
NARROMINE SHIRE COUNCIL
ORDINARY MEETING BUSINESS PAPER – 9 DECEMBER 2020
REPORTS TO COUNCIL – GENERAL MANAGER

1. 2019/2020 ANNUAL REPORT

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.3.1 Operate and manage Council in a financially sustainable manner that meets all statutory and regulatory compliance and Council policies. DP – 4.3.1.1 – Implementation of the Delivery Program and Operational Plan including Budget and Asset Management Plan on an annual basis.

Executive Summary

This report is presented to Council to note the publication of Council's 2019/2020 Annual Report. The Annual Report may be downloaded from Council's website.

Report

Council must prepare an Annual Report within five months of the end of the financial year. The report must outline Council's achievements in implementing its Delivery Program. Council's Annual Report must also contain its audited financial statements. A copy of the report is to be published on Council's website with the notification of publication to the Minister.

The following information is required to be included in Council's Annual Report (as per the Regulations): -

- Details of overseas visits by Councillors and Council Staff
- Details of Mayoral and Councillor fees, expenses and facilities
- Contracts of \$250,000 and above awarded by the Council
- Amounts incurred in relation to legal proceedings
- Private works and financial assistance
- Details of external bodies, companies and partnerships
- Statement of total General Manager's total remuneration
- Statement of total remuneration of all Senior Staff
- Information on stormwater levies and charges
- A statement of the activities undertaken by the Council to implement its equal employment opportunity management plan
- A statement of Council's activities to enforce and comply with the Companion Animals Act

Key Achievements for the Year

Major Capital Works Projects

- Construction of Learn to Swim Facility at Narromine Aquatic Centre – learn to swim pool, splash park, shade structures, filtration plant and back wash storage sheds, café area
 - Installation of temporary water treatment plant in Narromine
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- Disability access works
- Tomingley Water Tanks
- Burns Oval lighting improvements
- Narromine Cemetery Irrigation Upgrade
- Narromine Sports and Fitness Centre Amenities Upgrades

Successful Grants

- Drought Stimulus Program - \$1M – Timbregongie-Dappo Road Project
- Building Better Regions Program - \$1M – Timbregongie-Dappo Road Project
- Round 3 - \$70K – Cale Oval, Dundas Park, Park and precinct beautification
- Resources for Regions - \$1.67 M
- Community Infrastructure and Roads Program - \$900K
- Regional Airports Program – 419K
- Murray Darling Basin Fund – Hangars - \$450K
- AMSL Aero – (to company) - \$900K
- Crown lands Grant – Trangie Showground - \$100K

Delivery Program Targets

- 94% of targets in the 2019/2020 Delivery Program achieved

Challenges

- Severe drought – water security
- Covid-19 Pandemic

Financial Implications

Council's Audited Financial Statements are included in Annexure One of the Annual Report. Council's 2019/20 financial continues to remain sound.

Legal and Regulatory Compliance

Sections 404, 428 and 428A of the Local Government Act 1993
Clause 217 of the Local Government (General) Regulation 2005
Integrated Planning and Reporting Guidelines

Risk Management Issues

Nil – Council's Annual Report has been prepared in accordance with the Regulations and Integrated Planning and Reporting guidelines.

Internal/External Consultation

Internal consultation with relevant personnel

Attachments

Nil

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1. 2019/2020 ANNUAL REPORT (Cont'd)

RECOMMENDATION

That the report be noted.

2. CONSTITUTIONAL REFERENDUMS AND COUNCIL POLLS

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 4.2.8 Implement best practice governance standards, transparent decision making and a strong ethical culture

Executive Summary

This report is presented to Council to note information relating to constitutional referendums and Council polls.

Report

Council at its Ordinary Meeting held 13 February 2019 resolved that pursuant to s.296(2) and (3) of the Local Government Act 1993, an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections; that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council; and that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

Under Section 16 of the Local Government Act 1993, a council must obtain the approval of its electors at a constitution referendum to do each of the following:

- Divide a council area into wards or abolish wards
- Change the number of Councillors
- Change the method of electing the mayor
- Change the method of election for Councillors where the council's area is divided into wards

Councils should notify the NSW Electoral Commission as soon as possible if it intends to enter into an arrangement for the administration of a referendum or poll.

If a council resolves that a constitutional referendum or poll is to be conducted, it must comply with the notification requirements contained in Schedule 10 of the Local Government (General) Regulation 2005.

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2. CONSTITUTIONAL REFERENDUMS AND COUNCIL POLLS (Cont'd)

Any changes approved at a referendum will come into effect at the September 2024 local government elections.

Attachment No 1 provides further information on notification requirements.

Legal and Regulatory Compliance

Section 16 of the Local Government Act 1993
Schedule 10 of the Local Government (General) Regulation 2005

Risk Management Issues

If Council wishes to enter into an arrangement for the administration of a referendum or poll, it must notify the NSWEC as soon as possible.

Internal/External Consultation

Office of Local Government Circulars 19-23 and 20-39

Attachments

- Notification requirements

RECOMMENDATION

That the report be noted.

3. RENTAL RELIEF

Author	Director Governance
Responsible Officer	General Manager
Link to Strategic Plans	CSP – 3.4.4 Ensure Council's property assets are monitored and well managed

Executive Summary

This report is presented to Council to consider rental relief due to the current COVID-19 pandemic.

3. RENTAL RELIEF (Cont'd)

Report

Council has in place a number of licences and leases for the rental/lease of various Council owned properties/facilities. In light of the COVID-19 pandemic, Council had previously received a number of requests from lessees/licensees for the consideration of rental relief.

As outlined in a previous report to Council (8 April 2020):

The Prime Minister announced on 29 March 2020 that States and Territories have agreed to a 6-month moratorium on evictions for commercial and rental tenancies in financial distress due to the impact of the coronavirus. Commercial tenants, landlords and financial institutions are now encouraged to find a way through this crisis to ensure that businesses can survive. National Cabinet (29 March 2020) agreed to the following common set of principles to underpin and govern intervention to aid commercial tenancies as follows: -

- *A short term, temporary moratorium on eviction for non-payment of rent to be applied across commercial tenancies impacted by severe rental distress due to the coronavirus*
- *Tenants and landlords are encouraged to agree on rent relief or temporary amendments to the lease*
- *The reduction or waiver of rental payment for a defined period for impacted tenants*
- *The ability for tenants to terminate leases and/or seek mediation or conciliation on the grounds of financial distress*
- *Commercial property owners should ensure that any benefits received in respect of their properties should also benefit their tenants in proportion to the economic impact caused by coronavirus*
- *Landlords and tenants not significantly affected by coronavirus are expected to honour their lease and rental agreements; and*
- *Cost-sharing or deferral of losses between landlords and tenants, with Commonwealth, State and Territory governments, local government and financial institutions to consider mechanism to provide assistance.*

While this initial six month period is now over there is an ongoing issue for some businesses to regain pre covid levels of demand for services and income.

Narromine Shire Council has been requested by one of its tenants to extend the support offered under the COVID rental relief and may well be requested by others.

Given that the specific delegation was provided to the General Manager for six months it is appropriate that Council approves (or rejects) any additional extension.

3. RENTAL RELIEF (Cont'd)

The previous resolution was: "That the General Manager be delegated authority to enter into direct negotiations with licencees/lessees requesting rental relief, temporary amendments to agreements, reduction, waiver or deferral of payments for defined periods, and termination agreements on the grounds of financial distress for a period of up to six months".

Financial Implications

The financial impacts to Council are difficult to determine at this current time and will be dependent on a number of variable circumstances.

Rental relief would only be provided on request and the applicant would need to show that they continue to be genuinely affected by COVID restrictions and or the ongoing effects of reduced demand for services.

Legal and Regulatory Compliance

Section 377 of the Local Government Act 1993 – General power of the Council to delegate.

Risk Management Issues

In view of the fluidity of the COVID-19 pandemic, it would be more efficient and practical for the General Manager to be delegated authority to deal with rental impact requests on an individual basis rather than requiring consideration by Council under its Donations, Sponsorships and Waiver of Fees and Charges Policy.

Internal/External Consultation

Commonwealth, State and Local Governments, in addition to financial institutions should be looking to assist where possible.

Attachments

Nil

RECOMMENDATION

That the General Manager be delegated authority to enter into direct negotiations with licencees/lessees requesting rental relief, temporary amendments to agreements, reduction, waiver or deferral of payments for defined periods, and termination of agreements on the grounds of financial distress for the 2020/21 financial year.

Jane Redden
General Manager

Attachment No 1: Notification Requirements

Conducting a constitutional referendum

If a council resolves to conduct a constitutional referendum it must comply with the notification requirements contained in Schedule 10 of the Local Government (General) Regulation 2005.

It is of critical importance that the referendum question or questions are carefully framed to ensure that workable decisions are achieved. All questions put at a referendum should be clear, concise, and capable of being responded to with a 'yes' or 'no' answer.

If more than one referendum question is being asked on a particular subject then extra care needs to be taken to ensure that the possible combinations of 'yes' and 'no' answers do not produce a conflicting decision.

Councils are responsible for the preparation and publicity of the required explanatory material. Councils must ensure this material presents a balanced case both for and against any proposition to be put to a constitutional referendum.

Dividing an area into wards or abolishing wards

After receiving elector approval at a constitutional referendum, and before dividing its area into wards, a council must undertake the consultation required by section 210A of the Local Government Act 1993 (the Act). This includes consulting with the Electoral Commissioner and the Australian Statistician and public exhibition of the proposal. (Compliance with section 210A is not required where approval has been given by electors at a referendum to abolish wards.)

Any changes to wards will come into effect for the electoral term commencing in September 2024.

Changing the number of councillors

Section 224(2) of the Act requires that not less than 12 months before an ordinary election the council must determine the number of its councillors for the following term. If, as a result of doing so, a council has determined to change the number of its councillors, it must also obtain approval for the change at a constitutional referendum. Approval would have the effect of changing the number of councillors for the electoral term commencing in September 2024.

If following the approval of a reduction in councillor numbers, a casual vacancy occurs in the office of a councillor (but not a mayor elected by the councillors), and the reduction has not yet taken effect, the vacancy must not be filled if the number of councillors will remain at or above the number approved at the referendum (section 294B of the Act).

Changing the method of electing the mayor

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum.

Councils with areas that are divided into wards are reminded that section 280(2) of the Act requires the same number of councillors is to be elected for each ward. A popularly elected mayor is not to be included in this count. In such circumstances, councils should be mindful that changing the method of electing the mayor could result in an increase or decrease in the number of councillors to be elected.

If electors at a constitutional referendum conducted in conjunction with the 2020 ordinary elections approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in September 2024.

Changing the method of electing councillors

The councillors for an area that is divided into wards are to be elected in accordance with either method of election prescribed under section 280 or 281 of the Act.

The method of election under section 280 (method 1) is to apply unless a decision made at a constitutional referendum is in force, which requires the method of election to be conducted under section 281 (method 2).

The decision made at a constitutional referendum to alter the method of election to method 2 must also specify the number of councillors to be elected by the ward electorate and the number of councillors to be elected by the area electorate.

If electors at a constitutional referendum conducted in conjunction with the 2020 ordinary elections approve a change to the method for electing councillors, this change will come into effect for the electoral term commencing in September 2024.