



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER

ORDINARY COUNCIL MEETING

WEDNESDAY, 23 NOVEMBER 2016

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 2.3 of Council's Code of Meeting Practice that an **Ordinary Council Meeting** will be held in the Tenterfield Shire Council Chambers, on **Wednesday, 23 November 2016** commencing at **9.30 am**.

Damien Connor
General Manager

10.50 am – Presentation of Auditor's Report 2015/2016
Council's Auditor – Paul Cornall from Forsyth's

Community Consultation (Public Access) relating to items on this Agenda can be made between 9.30 am and 10.30 am on the day of the Meeting. Requests for public access should be made to the General Manager no later than COB on the Monday before the Meeting.

Section 8 of the Business Paper allows a period of up to 30 minutes of Open Council Meetings for members of the Public to address the Council Meeting on matters INCLUDED in the Business Paper for the Meeting.

Members of the public will be permitted a maximum of five (5) minutes to address the Council Meeting. An extension of time may be granted if deemed necessary.

Members of the public seeking to represent or speak on behalf of a third party must satisfy the Council Meeting that he or she has the authority to represent or speak on behalf of the third party.

Members of the public wishing to address Council Meetings are requested to contact Council either by telephone or in person prior to close of business on the Monday prior to the day of the Meeting. Persons not registered to speak will not be able to address Council at the Meeting.

Council will only permit two (2) speakers in support and two (2) speakers in opposition to a recommendation contained in the Business Paper. If there are more than two (2) speakers, Council's Governance division will contact all registered speakers to determine who will address Council. In relation to a Development Application, the applicant will be reserved a position to speak.

Members of the public will not be permitted to raise matters or provide information which involves:

- Personnel matters concerning particular individuals (other than Councillors);
- Personal hardship of any resident or ratepayer;
- Information that would, if disclosed confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business;
- Commercial information of a confidential nature that would, if disclosed:
 - Prejudice the commercial position of the person who supplied it, or
 - Confer a commercial advantage on a competitor of the Council; or
 - Reveal a trade secret;
- Information that would, if disclosed prejudice the maintenance of law;
- Matters affecting the security of the Council, Councillors, Council staff or Council property;
- Advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- Information concerning the nature and location of a place or an item of Aboriginal significance on community land;
- Alleged contraventions of any Code of Conduct requirements applicable under Section 440; or
- On balance, be contrary to the public interest.

Members of the public will not be permitted to use Community Consultation to abuse, vilify, insult, threaten, intimidate or harass Councillors, Council staff or other members of the public. Conduct of this nature will be deemed to be an act of disorder and the person engaging in such behaviour will be ruled out of order and may be expelled.

CONFLICT OF INTERESTS

What is a "Conflict of Interests" - A conflict of interests can be of two types:

Pecuniary - an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-pecuniary - a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature).

Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? - A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below).

Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter.

N.B. "Relative", in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse;
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company or other body, or
- Just because the person is a member of, or is employed by, the Council.
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge - A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

Non-pecuniary Interests - Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-pecuniary conflicts of interests must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice-versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosures to be Recorded (s 453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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ORDER OF BUSINESS

1. Opening & Welcome
2. Civic Prayer & Acknowledgement of Country
3. Apologies
4. Disclosure & Declarations of Interest
5. Confirmation of Previous Minutes
6. Tabling of Documents
7. Urgent, Late & Supplementary Items of Business
8. Community Consultation (Public Access)
9. Mayoral Minute
10. Recommendations for Items to be Considered in Confidential Section
11. Open Council Reports
 - Our Community
 - Our Economy
 - Our Environment
 - Our Governance
12. Reports of Delegates & Committees
13. Notices of Motion
14. Resolution Register
15. Confidential Business
16. Meeting Close

AGENDA

1. OPENING & WELCOME

2. (A) OPENING PRAYER

"We give thanks for the contribution by our pioneers, early settlers and those who fought in the various wars for the fabric of the Tenterfield Community we have today.

May the words of our mouths and the meditation of our hearts be acceptable in thy sight, O Lord."

(B) ACKNOWLEDGEMENT OF COUNTRY

"I would like to acknowledge the traditional custodians of this land that we are meeting on today. I would also like to pay respect to the Elders both past and present of the Jukembal, Kamilaroi and Bundjalung nations and extend that respect to other Aboriginal people present."

3. APOLOGIES

4. DISCLOSURES & DECLARATIONS OF INTEREST

5. CONFIRMATION OF PREVIOUS MINUTES

Recommendation

That the Minutes of the Council Meeting held on Wednesday, 26 October 2016 as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

6. TABLING OF DOCUMENTS

7. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

8. COMMUNITY CONSULTATION (PUBLIC ACCESS)

9. MAYORAL MINUTE

10. RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

11. OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM3/16)	MEMORANDUM OF UNDERSTANDING - TENTERFIELD SHIRE COUNCIL AND TAFE NSW	7
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OUR ECONOMY

(ITEM ECO7/16)	ASSET MANAGEMENT POLICY - DRAFT POLICY 1.014	10
(ITEM ECO8/16)	NEW ENGLAND HIGHWAY - DRAFT CORRIDOR STRATEGY	13

OUR ENVIRONMENT

(ITEM ENV51/16)	PLANNING/DEVELOPMENT UPDATE.....	19
(ITEM ENV52/16)	TENTERFIELD SHIRE DEVELOPMENT CONTROL PLAN 2014 - SIGNAGE PROVISIONS	24

OUR GOVERNANCE

(ITEM GOV24/16)	RECONSTRUCTION OF COUNCIL'S INTEGRATED PLANNING & REPORTING DOCUMENTS	27
(ITEM GOV25/16)	REVIEW OF COUNCIL ADVISORY COMMITTEES	31
(ITEM GOV26/16)	FINANCE AND ACCOUNTS	36
(ITEM GOV27/16)	POSTED EXPENDITURE REPORT	38
(ITEM GOV28/16)	2015/16 FINANCIAL STATEMENTS.....	41
(ITEM GOV29/16)	2016/17 BUDGET REVIEW AS AT 30 SEPTEMBER 2016	45

12. REPORTS OF DELEGATES & COMMITTEES

(ITEM RC39/16)	REPORTS OF COMMITTEES & DELEGATES - ARTS NORTHWEST - ARTLANDS CONFERENCE - DUBBO - 27-30 OCTOBER 2016	55
(ITEM RC40/16)	REPORTS OF COMMITTEES & DELEGATES - NSW PUBLIC LIBRARIES ASSOCIATION - NORTH EAST ZONE PUBLIC LIBRARIES ANNUAL GENERAL MEETING - 3 NOVEMBER 2016.....	58

13. NOTICES OF MOTION

(ITEM NM14/16)	TENTERFIELD - TRANSFER FROM HUNTER NEW ENGLAND HEALTH SERVICE TO THE NORTH COAST AREA HEALTH SERVICE.....	60
(ITEM NM15/16)	RECOGNITION OF FORMER COUNCILLOR PHIL YATES.....	62
(ITEM NM16/16)	MINOR AMENDMENT TO LEP	64

14. RESOLUTION REGISTER

(ITEM RES4/16)	COUNCIL RESOLUTION REGISTER - NOVEMBER 2016.....	74
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15. CONFIDENTIAL BUSINESS

(ITEM GOV23/16)	WATER USAGE ACCOUNT - ACCOUNT NO. 28167	
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (b) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND discussion in relation to the personal hardship of a resident or ratepayer.

(ITEM GOV22/16)	DETERMINATION OF SENIOR ORGANISATION STRUCTURE	
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That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals.

16. MEETING CLOSED

Department:	General Managers Office
Submitted by:	General Manager
Reference:	ITEM COM3/16
Subject:	MEMORANDUM OF UNDERSTANDING - TENTERFIELD SHIRE COUNCIL AND TAFE NSW

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	A range of community services and facilities are accessible to all people.
Strategy:	Develop and maintain a range of community services that meet the needs, interests and aspirations of the community.
Action:	Support local education providers.

SUMMARY

The purpose of this report is to present to Council a proposed Memorandum of Understanding between Council and TAFE NSW for consideration.

The document is designed to pursue the common objectives of the two parties, being the benefits to the Tenterfield Shire community resulting from the quality, local provision of education.

OFFICER'S RECOMMENDATION:

That Council consider entering into the Memorandum of Understanding with TAFE NSW, as attached, for an initial period of two (2) years, with the exception of the removal of dot point 7 of Section 4.

BACKGROUND

Council staff and the Mayor met with the Regional Director of TAFE NSW earlier this year to identify the potential shared objectives of the two entities and to give consideration as to how they may be able to be better addressed in partnership.

Following on from the meeting a draft Memorandum of Understanding document was compiled and is now presented to Council for consideration.

REPORT:

The attached draft Memorandum of Understanding (MOU) (Attachment 1 (Booklet 1)) recognises that the strong, local provision of education provides a range of community benefits, some of which include:

- Enhanced community resilience and prosperity;
- The opportunity to grow individuals knowledge, skills and horizons;
- Increased breadth, capacity and capability of the local work force;
- Improved opportunities for young people and enhanced potential of community benefit;
- Enhanced community reputation as a strong local education precinct;
- Recognising education as an important local employer and industry in its own right.

The proposed outcomes of the MOU are detailed in Section 4 of the attached document and include:

Our Community No. 3 Cont...

- Maintain and increase access to vocational education and training opportunities for the shires residents;
- Improved local and regional participation levels in vocational education and training;
- A particular focus on supporting young people to access vocational educational and thereby improve the regions Year 12 and equivalent attainment levels;
- A shared understanding of each parties regional priorities so as to maximise the value and use of our combined resources;
- Assisting new and existing businesses to expand their skill and knowledge base and to improve employment opportunities within the region; and
- Greater levels of community engagement and collaboration between the parties to improve the provision of vocational education and training opportunities across the region.

The MOU is not intended to create binding or legal obligations on either party.

Under the proposed MOU the parties would meet bi-annually.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

N/A

2. Policy and Regulation

Nil.

3. Financial (Annual Budget & LTFP)

No change.

4. Asset Management (AMS)

No change.

5. Workforce (WMS)

No change.

6. Legal and Risk Management

The proposed MOU is not binding and does not confer any legal obligation on either party.

7. Performance Measures

N/A

8. Project Management

N/A

Damien Connor
General Manager

Our Community No. 3 Cont...

Prepared by staff member: Damien Connor, General Manager

Approved/Reviewed by Manager: Damien Connor, General Manager

Department: General Managers Office

Attachments: **1** Attachment 1 (Booklet 1) - 5
Memorandum of Understanding Pages

Department:	General Managers Office
Submitted by:	General Manager
Reference:	ITEM ECO7/16
Subject:	ASSET MANAGEMENT POLICY - DRAFT POLICY 1.014

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Council is operated efficiently and effectively.
Strategy:	Develop strategies and policies to enable Council to achieve excellence in corporate governance.
Action:	Continue to monitor policies and practices with the aim of continuous improvement.

SUMMARY

The purpose of this report is to present a revised Asset Management Policy to Council for adoption and subsequent placing on public exhibition.

OFFICER'S RECOMMENDATION:

That Council adopts the revised Asset Management Policy 1.014, as attached, and places the document on public exhibition for a period of 14 days.

BACKGROUND

A recent review and gap analysis of Council's Asset Management practices has been undertaken with the intention of ensuring that Council's approach reflects the elements of better practice for asset management. The Australian National Audit Office (ANAO) *Better Practice Guidelines for Asset Management in Government Organisations* was utilised considerably in the undertaking of the review.

Resulting from the review, it was identified that a reconstruction of Council's previous Asset Management Policy was required and a revised policy has now been constructed.

REPORT:

The revised Asset Management Policy (Attachment 3 (Booklet 1)), serves to ensure that the community and all stakeholders are informed in a clear manner of Council's position and approach with regard to the management of Council owed assets.

It further aims to ensure that a comprehensive framework and sound asset management practices and procedures are implemented and are fully integrated into Council's strategic and operational planning processes.

The implementation of such will ensure that elected members, management and all stakeholders recognise the fundamental responsibility and significant challenge to Council in ensuring intergenerational equity in the provision of infrastructure and services to the community within limited resources.

It will also ensure that Council identifies and addresses all opportunities, challenges and threats associated with operating, maintaining, renewing and replacing its asset portfolio in a holistically sustainable manner.

Our Economy No. 7 Cont...

In addition to applying all relevant legislation in the review and revision of Council's Asset Management Policy, a number of relevant standards and guidelines were also utilised, including but not limited to:

- The Australian National Audit Office (ANAO) – Best Practice Guidelines for Asset Management in Government Organisations;
- IPWEA NAMS.Plus3 Guidelines;
- NSW Office of Local Government Capital Expenditure Guidelines 2010;
- Australian Accounting Standard AASB116 – Property, Plant & Equipment;
- Australian Accounting Standard AASB136 – Asset Impairment;
- The International Standard for Asset Management - ISO 55001:2014.

COUNCIL IMPLICATIONS:**1. Community Engagement / Communication (per engagement strategy)**

The revised Asset Management Policy is to be placed on public exhibition for a period of 14 days.

2. Policy and Regulation

- NSW Local Government Act 1993;
- NSW Local Government Regulations (General) 2005;
- Australian Accounting Standard AASB116 – Property, Plant & Equipment;
- Australian Accounting Standard AASB136 – Asset Impairment;
- The Australian Standard for Asset Management, ISO AS/NZ 55001:2014; and
- The Integrated Planning & Reporting Guidelines for Local Government in NSW.

3. Financial (Annual Budget & LTFP)

No changes recommended.

4. Asset Management (AMS)

The Asset Management Policy 1.014 directly informs and guides Council Asset Management Strategy.

5. Workforce (WMS)

No changes recommended.

6. Legal and Risk Management

N/A

7. Performance Measures

N/A

8. Project Management

N/A

Damien Connor
General Manager

Our Economy No. 7 Cont...

Prepared by staff member: Damien Connor, General Manager

Approved/Reviewed by Manager: Damien Connor, General Manager

Department: General Managers Office

Attachments:

1	Attachment 2 (Booklet 1) - Current Asset Management Policy	3 Pages
2	Attachment 3 (Booklet 1) - Revised Asset Management Policy - Draft Policy 1.014	7 Pages

Department:	Engineering Services
Submitted by:	Director Engineering Services
Reference:	ITEM ECO8/16
Subject:	NEW ENGLAND HIGHWAY - DRAFT CORRIDOR STRATEGY

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Key Priority Focus Area 2 – Our Infrastructure
Strategy:	Direction 2.1 – Ensure a safe and efficient road network for all road users.
Action:	2.1d – Undertake traffic planning to facilitate safe and efficient traffic flows and pedestrian movements.

SUMMARY

The purpose of this report is for Council to consider the New England Highway Draft Corridor Strategy.

OFFICER'S RECOMMENDATION:

That Council endorses in principle the New England Highway Draft Corridor Strategy, with feedback on the Strategy being:

- (1) The Tenterfield Heavy Vehicle Bypass is identified as a short term (0 to 5 years) priority within the Strategy for the design and purchase of the road corridor. However, no timeframe is provided for the construction of the Tenterfield Heavy Vehicle Bypass. As the Bypass will enable heavy vehicles to be detoured away from Tenterfield mainstreet thereby improving freight productivity and road and pedestrian safety generally, Council is of the opinion that the Tenterfield Heavy Vehicle Bypass should be identified as a long term (10 to 20 years) priority in the Strategy;**
- (2) Whilst classified as a Regional Road, Bruxner Way is a key western link to Boggabilla (Newell Highway) and beyond and a route that provides essential access to communities on and adjacent to the NSW/QLD border. Consequently, Council is of the opinion that Bruxner Way should be included as a key traffic and transport route in the Strategy;**
- (3) The intersection of New England Highway, Bruxner Way and Old Ballandean Road has a poor safety performance and is unsafe for use by heavy vehicles. Whilst the Strategy identifies the intersection as having poor safety performance, no timeframe is noted for upgrading the intersection. As Bruxner Way is a key western link and Old Ballandean Road a key link to Mt Lindesay Road for the heavy transport industry, Council is of the opinion that the intersection must be improved within the next 5 to 10 years to eliminate the identified road safety problems and crash history.**

Our Economy No. 8 Cont...

BACKGROUND

The New England Highway is the inland Sydney to Brisbane corridor linking the Hunter and New England North West regions with Newcastle, Sydney and South East Queensland. It forms part of the National Land Transport Network and provides essential connectivity for national, interstate, regional and local travel demands. The section of the New England Highway within NSW extends approximately 539 km from Belford to Jennings at the NSW/QLD border.

The New England Highway Draft Corridor Strategy (the 'Strategy') describes how the NSW Government propose to manage road transport along the New England Highway in the short, medium and long-term. The Strategy covers a 20 year horizon in line with the NSW Long Term Transport Master Plan, Regional Transport Plans and other relevant state and national planning frameworks. From road safety and transport efficiency to asset maintenance issues, the Strategy sets the current and future direction for managing the New England Highway corridor.

The New England Highway provides:

- The main inland link connecting Sydney/Newcastle and south-east Queensland (including Toowoomba, the Southern Downs region, and Brisbane);
- Linkages to domestic and export markets from the Hunter and New England North West regions to the ports of Newcastle, Sydney and Brisbane;
- The primary road connection to the regional centres of Tamworth (and Dubbo via the Golden Highway), Singleton, Muswellbrook and Armidale and the major towns of Scone, Guyra, Glen Innes and Tenterfield (and Gunnedah, Narrabri and Moree via Kamilaroi Highway);
- A contribution to national economic productivity through access to agricultural industries including grain, livestock and cattle industries in the Hunter, New England North West, Central West (via the Golden Highway) and Orana regions (via Kamilaroi Highway), and enabling the Hunter Valley Coal Chain; and
- Local access to services, education, health care, business and employment for the regional communities and local population surrounding the corridor.

The Strategy breaks the New England Highway corridor into three zones as shown in Figure 1 below, with Tenterfield located in Zone C:

- Zone A – Belford to the Scone urban area (inclusive);
- Zone B – Scone to the Armidale Bypass (inclusive); and
- Zone C – Armidale Bypass to Jennings/Wallangarra at the NSW / QLD border.

Our Economy No. 8 Cont...



Figure 1 – New England Highway Corridor

The majority of the planning, pre-construction and construction activities proposed under the draft Strategy are generally located within the Hunter region, with the area section between Singleton and Tamworth to receive significant attention in the short to mid-term.

Due to the size of the draft Strategy, a copy has therefore not been reproduced for the benefit of Councilors. Rather, the draft Strategy is available at the following website address:

<http://www.rms.nsw.gov.au/documents/projects/hunter/new-england-highway/corridor-strategy/new-england-highway-draft-corridor-strategy-2016-10.pdf>

REPORT:

The NSW Government is committed to the long-term management of the road transport system in the Hunter and New England regions. The New England Highway provides a vital connection between the major centres of Newcastle, Maitland, Singleton, Muswellbrook, Scone, Tamworth, Armidale, Glen Innes and Tenterfield. The corridor supports the growth of regional economies and the provision of safe and efficient movement of both freight and passenger vehicles.

The New England Highway intersects with a number of major roads as shown in Figure 2 below. The Bruxner Highway is identified as a key eastern connection, providing critical access to Casino, Lismore and Ballina (at the Pacific Highway).

Our Economy No. 8 Cont...

It is considered peculiar however that Bruxner Way is not identified as a key western link given this road provides access for traffic and transport to Boggabilla (and Newell Highway) and the various communities along the route and adjacent to the NSW/QLD border. Whilst not a State road, it is considered that Bruxner Way should be identified as a key western link in the network given its location at the NSW / QLD border.

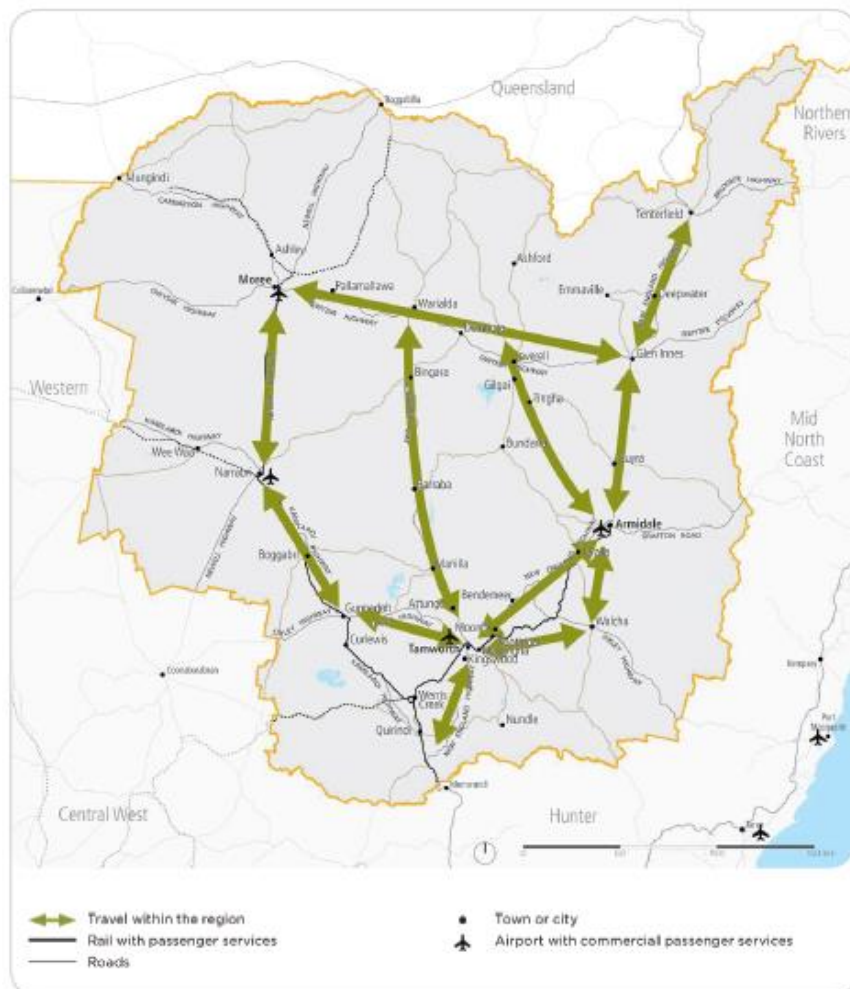


Figure 2 – New England Highway & Connecting Road Corridors

Improving road safety is an important goal of the draft Strategy, with all of the recommendations for the New England Highway targeting improved safety for all road users. Assessment of crash data, community and other stakeholder feedback, along with a safety review have been incorporated in the Strategy to increase the level of safety on the New England Highway. Key recommendations for Tenterfield include:

- Federal and State funding is committed towards the upgrade of the New England Highway at Bolivia Hill;
- The New England Highway travels through the main street of Tenterfield. A preferred heavy vehicle bypass corridor has been identified for incorporation in the Tenterfield LEP. The NSW Government will continue to work with Tenterfield Council to further develop the preferred option to improve road safety and connectivity for the local community. The Australian Government has committed \$10 million to enable detailed planning and purchase of the corridor for the bypass.

Our Economy No. 8 Cont...

- The intersection of the New England Highway, Bruxner Way and Old Ballandean Road does not meet the required design standards and has a poor safety performance. Whilst the draft Strategy infers that priority for investment in intersection upgrades should be based on multiple criteria including safety performance, hierarchy, traffic volumes and freight demand, no priority or timeframe for improvement is identified for the upgrade of the intersection of New England Highway, Bruxner Way and Old Ballandean Road.

The draft Strategy identifies a range of short (0 to 5), medium (5 to 10 years) and long term (10 to 20 years) actions to address the challenges on the New England Highway. The key actions which directly affect Tenterfield, and which reflect Council's Strategic and Operational Plan objectives, are shown tabulated below:

Priority	Description
Short Term (0 to 5 years)	Construct the realignment of the New England Highway at Bolivia Hill Continue to preserve the heavy vehicle bypass corridor by incorporating the route in the Tenterfield LEP. Commence the detailed planning and property acquisition processes.
Mid Term (5 to 10 years)	No specific actions identified for Tenterfield
Long Term (10 to 20 years)	RMS to continue to work with Tenterfield Shire Council to monitor and manage the impacts of the highway through the town site

The Tenterfield Heavy Vehicle Bypass is identified as a Long Term priority, after the bypassing of Scone, Muswellbrook and Singleton. Consequently, based on what is identified in the plan, it is unlikely that the bypass will be implemented within the 20 year horizon.

COUNCIL IMPLICATIONS:**1. Community Engagement / Communication (per engagement strategy)**

The Draft Strategy is a document prepared by the NSW Roads & Maritime Services. The document has been forwarded to relevant Local Governments to provide comment thereon.

2. Policy and Regulation

Nil.

3. Financial (Annual Budget & LTFP)

Nil.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

Our Economy No. 8 Cont...

7. Performance Measures

Nil.

8. Project Management

Nil.

Stephen Bell
Director Engineering Services

Prepared by staff member:	Stephen Bell, Director Engineering Services
Approved/Reviewed by Manager:	Stephen Bell, Director Engineering Services
Department:	Engineering Services
Attachments:	There are no attachments for this report.

Department:	Strategic Planning and Environmental Services
Submitted by:	Director Strategic Planning & Environmental Services
Reference:	ITEM ENV51/16
Subject:	Planning/Development Update

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	<i>DIRECTION 1.5 – Land use planning strategies and policies enhance and support sustainable economic growth.</i>
Strategy:	<i>STRATEGY 1.5b – Exercise Council’s statutory functions under the EPAA 1979 properly and equitably to determine applications efficiently and in accordance with statutory requirements and/or Council policy and standards.</i>
Action:	<i>Proper execution of delegated authorities in a timely and professional manner in accordance with the adopted policy “Limit of Delegated Authority in Dealing with Development Applications and Complying Development Certificates”.</i>

SUMMARY

The purpose of the report is to provide up to date statistics for Councillors on development activities, the information is also forwarded to the Australian Bureau of Statistics (ABS).

OFFICER’S RECOMMENDATION:

That Council receives and notes the Report “Planning/Development Update” for October 2016.

BACKGROUND

This report provides a review of development applications and processing undertaken by Council for the month of October 2016. The data herein is that provided to the Australian Bureau of Statistics (ABS) for development monitoring purposes.

REPORT:

APPLICATIONS LODGED WITH COUNCIL IN OCTOBER 2016

App No.	Lodged	Applicant	Lot/Sec/DP	Location	Development
DA 2016.085	06-Oct-16	Westbuilt Quality Homes (Halliday)	18/751538	78 Bluff Creek Road, Tenterfield	Manufactured Dwelling
DA 2016.086	07-Oct-16	McINTYRE Peter & CASBOLT Robyn	3/3/758959	169 Logan Street, Tenterfield	Shed
DA 2016.088	13-Oct-16	HOLLEY Bradley (Walters)	1/1080229	510 Rouse Street, Tenterfield	Carport
CDC 2016.089	14-Oct-16	Wes Smith Building Pty Ltd (Everson)	2/1116643	167 Cowper Street, Tenterfield	Dwelling
DA 2016.090	19-Oct-16	KREIS Richard	2/263148	117 Pelham Street, Tenterfield	Dwelling
DA 2016.091	24-Oct-16	BUTTERWORTH Andrew	61/705163	Torrington Road, Torrington	Shed
DA 2016.092	26-Oct-16	Manfate Pty Ltd (Ferguson)	2/543319	100 Martin Street, Tenterfield	Garage/Storage Shed

Our Environment No. 51 Cont...

App No.	Lodged	Applicant	Lot/Sec/DP	Location	Development
CDC 2016.093	27-Oct-16	BROWN David	4/75/758959	97 Rouse Street, Tenterfield	Storage Shed
DA 2016.094	27-Oct-16	Deepwater Station Pty Ltd (Scott Macansh)	64, 76 & 96/751536	242 Torrington Road, Deepwater	Change of Use from Cottage & Shearers Quarters to Tourist & Visitor Accommodation/Farm Stay
DA 2016.095	31-Oct-16	Tenterfield Surveys (Scarrabelotti)	13/751523	1490 Back Creek Road, Back Creek	Six (6) Lot Staged Subdivision

**DETERMINATIONS MADE UNDER
STAFF DELEGATION IN OCTOBER 2016**

App No.	Lodged	Date of Approval	Approval Time	Applicant	Lot/ Sec/ DP	Location	Description of Development
DA 2016.055	30-Jun-16	14-Oct-16	15 Days	SHAW Warwick & Stacey	222/ 1114339	298 Urbenville Road, Urbenville	Inground Swimming Pool/Deck & Fence
DA 2016.068	16-Aug-16	07-Oct-16	53 Days	Tenterfield Surveys (Lamb)	162/664940 & 4 & 5/113435	453 Killarney Road, Legume	Subdivision (Boundary Adjustment - creating (2) lots from (3) lots)
DA 2016.069	17-Aug-16	14-Oct-16	26 Days	MICHEL Janice	2/724086	307A Mount Lindesay Road, Tenterfield	Dwelling & Shed
DA 2016.073	02-Sep-16	06-Oct-16	35 Days	SULLIVAN Peter	2/814234	160 Pelham Street, Tenterfield	Dwelling
DA 2016.076	13-Sep-16	07-Oct-16	25 Days	SKIPSEY Roul	1/16/ 758654	404 Thulimbah Road, Maryland	Installation of Previously used Residence
CDC 2016.080	26-Sep-16	06-Oct-16	10 Days	HICKEY Darren	41/1160839	40 Cowper Street, Tenterfield	Garage
DA 2016.081	26-Sep-16	26-Oct-16	27 Days	Tenterfield Child Care Centre Inc.	1/159805	132 Manners Street, Tenterfield	Garden Shed
DA 2016.082	26-Sep-16	10-Oct-16	15 Days	CROTTY Cole (Crotty)	4/36380	45 High Street, Tenterfield	Garage
DA 2016.083	27-Sep-16	28-Oct-16	32 Days	Steel Caves Pty Ltd (Mullins)	23/1207937	Mount Lindesay Road, Liston	Farm/Machinery Shed
DA 2016.084	30-Sep-16	18-Oct-16	19 Days	Tenterfield Rotary Club (Tenterfield Station)	2/701936	Rouse Street, Tenterfield	Temporary Event - 29 October 2016
DA 2016.085	06-Oct-16	31-Oct-16	28 Days	Westbuilt Quality Homes (Halliday)	18/751538	78 Bluff Creek Road, Tenterfield	Manufactured Dwelling

Our Environment No. 51 Cont...

App No.	Lodged	Date of Approval	Approval Time	Applicant	Lot/ Sec/ DP	Location	Description of Development
DA 2016.088	13-Oct-16	27-Oct-16	15 Days	HOLLEY Bradley (Walters)	1/1080229	510 - Rouse Street, Tenterfield	Carport
CDC 2016.089	14-Oct-16	24-Oct-16	10 Days	Wes Smith Building (Everson)	2/1116643	167 Cowper Street, Tenterfield	Dwelling

**APPLICATIONS CURRENTLY OUTSTANDING
AS AT 8 NOVEMBER 2016**

DA No.	Lodged	Status of Application	Applicant	Location	Proposed Development
15.111	4-Nov-15	Additional Information Required from Applicant	Tenterfield Surveys P/L (Graham)	235 Bulwer St, T'field	Two (2) Lot Subdivision
16.024	21-Mar-16	Additional Information Required from Applicant	O'MULLANE Ian & Judith	8 Welch St, Urbenville	Change of Use Place of Public Worship into a Dwelling
16.074	07-Sep-16	In Progress	HICKS Simon	103 Sandy Flat Rd, Sandy Flat	Farm Stay (B&B) Accommodation
16.075	12-Sep-16	In Progress	Alpha Omega Town Planning (Uhrig)	17 Naas St, T'field	Change of Use - Dwelling to Restaurant/Café & Managers Residence
16.077	14-Sep-16	Awaiting Recommendation from NSW RFS	GROGAN Calvin	287B Mt Spirabo Rd, T'field	Two (2) Lot Subdivision
16.078	19-Sep-16	In Progress	Stephen P McElroy & Associates	46 Tooloom St, Urbenville	Dwelling
16.090	19-Oct-16	In Progress	KREIS Richard	117 Pelham St, T'field	Dwelling
16.091	24-Oct-16	In Progress	BUTTERWORTH Andrew	2593 Torrington Rd, Torrington	Shed
16.092	26-Oct-16	In Progress	Manfate Pty Ltd (Ferguson)	100 Martin St, T'field	Garage/Storage Shed
16.094	27-Oct-16	Additional Information Required from Applicant	Deepwater Station P/L (Macansh)	242 Torrington Rd, Deepwater	Change of Use from Cottage & Shearers Quarters to Tourist & Visitor Accommodation/Farm Stay

Our Environment No. 51 Cont...

FY 16/17 Development Statistics									
	Dwellings	Additions/ Renovations to Existing Dwellings	Garages, Carports & Sheds	Commercial or Industrial Works	Subdivision	Recreation/ Tourism	FY 16/17 Monthly Total	FY 15/16 Monthly Total	
Jul-16	No. 3 Value \$513,000.00	0 \$0.00	2 \$178,000.00	0 \$0.00	2 \$0.00	1 \$32,770.00	8 \$723,770.00	9 \$496,563.00	
Aug-16	No. 2 Value \$318,000.00	3 \$63,600.00	2 \$68,500.00	0 \$0.00	2 \$0.00	0 \$0.00	9 \$450,100.00	12 \$814,550.00	
Sep-16	No. 5 Value \$1,031,735.00	0 \$0.00	5 \$111,786.00	2 \$95,200.00	1 \$0.00	1 \$0.00	14 \$1,238,721.00	8 \$613,123.00	
Oct-16	No. 3 Value \$816,290.00	0 \$0.00	5 \$119,400.00	1 \$2,000.00	1 \$0.00	0 \$0.00	10 \$937,690.00	14 \$1,315,369.00	
Nov-16	No. Value							24 \$963,350.00	
Dec-16	No. Value							9 \$491,650.00	
Jan-17	No. Value							3 \$82,400.00	
Feb-17	No. Value							9 \$2,632,960.00	
Mar-17	No. Value							15 \$1,289,999.00	
Apr-17	No. Value							10 \$630,217.00	
May-17	No. Value							9 \$993,968.00	
Jun-17	No. Value							9 \$676,127.00	
No. (Year to Date)	13	3	14	3	6	2	41	131	
FY 16/17 Total Value (Year to Date)	\$2,679,025.00	\$63,600.00	\$477,686.00	\$97,200.00	\$0.00	\$32,770.00	\$3,350,281.00		
FY 15/16 Total Value	\$7,917,361.10	\$487,700.00	\$777,052.90	\$1,633,163.00	\$0.00	\$184,999.00			\$11,000,276.00

Our Environment No. 51 Cont...

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Development applications are placed on public exhibition, or neighbour notified in accordance with legislation and Council's Development Control Plan as required.

2. Policy and Regulation

Processing of Development applications relates to Council's Local Environmental Plan 2013, Council's Development Control Plan 2014, the NSW Environmental Planning and Assessment Act 1979, and other associated NSW Legislation.

3. Financial (Annual Budget & LTFP)

Nil

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

Nil

7. Performance Measures

Nil

8. Project Management

Nil

James Ruprai

Director Strategic Planning & Environmental Services

Prepared by staff member: Jenni Pentland, Senior Administration Officer

Approved/Reviewed by Manager: James Ruprai, Director Strategic Planning & Environmental Services

Department: Strategic Planning and Environmental Services

Attachments: There are no attachments for this report.

Department:	Strategic Planning and Environmental Services
Submitted by:	Director Strategic Planning & Environmental Services
Reference:	ITEM ENV52/16
Subject:	Tenterfield Shire Development Control Plan 2014 - Signage Provisions

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	1.6 – Our places and spaces will be attractive, liveable, sustainable and grow our shire.
Strategy:	1.6(b) – Ensure that planning provisions support and promote sustainable land use and management.
Action:	Implement The requirements of a Development Control Plan in line with the Tenterfield LEP.

SUMMARY

The purpose of this report is to bring to the attention of Council the application of signage provisions within the Tenterfield Development Control Plan 2014, as well as potential for amendment of signage provisions therein.

OFFICER'S RECOMMENDATION:

That Council conduct a workshop to review Chapter 8 of the Tenterfield Development Control Plan 2014, with regards to examination of signage requirements, and the potential implications of changes to these current provisions.

BACKGROUND

Council's Development Control Plan (DCP) 2014 was adopted via resolution after an extensive public exhibition and submission period in line with legislative requirements at the Ordinary Meeting of August 2014.

DCP's are documents that specify control levels for development in line with zoning requirements and locale characteristics within a Local Environmental Plan (LEP). DCP's are directly referenced within the NSW *Environmental Planning and Assessment Act 1979*.

REPORT:

In October 2016 Council staff commenced a complaint driven audit of the banners and flags within Rouse St of Tenterfield, along the CBD area. This included placement of signage items on Council's footpath without approval, and that may not be currently insured by business owners or Council. Banners and flags are a form of 'signage', and all 'signage' requires prior development consent from Council unless otherwise exempted. Whilst some forms of 'signage' are permissible without consent under the DCP 2014, banners and flags are not.

Staff found that twenty-five (25) premises were displaying flags or bunting prohibited by the provisions of the current Development Control Plan (DCP) 2014, and that the following issues were posed by current non accordance with requirements:

- Moveable flags placed on footpath areas by businesses, causing visual impediment to drivers approaching pedestrian crossings, causing potential hazards with respect to vehicle collisions with pedestrians;

Our Environment No. 52 Cont...

- Banners and buntings displayed on heritage buildings (and buildings within the Heritage Conservation Area) detracting from the characteristics of the locale and character attributing to Tenterfield townships current standing as one of NSW top 50 small towns in 2016;
- Movable and non-secure flags, bunting and banners with the potential to cause hazards to pedestrians and vehicles trafficking Rouse St (the New England Highway) and the adjoining Council footpath area;
- Signage in amounts and volumes on individual premises that detract from the amenity of heritage buildings and conservation area and the townships amenity as a whole.

Unauthorised signage has been drawn to the attention of business owners via direct written correspondence, and actioned in line with regulatory protocols under the *Local Government Act 1993* and the *Environmental Planning and Assessment Act 1979*.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil. Community engagement may be triggered pending the outcome of a workshop, and will be in line with regulatory requirements.

2. Policy and Regulation

- This report relates directly to Chapter 8 of Council's Development Control Plan (DCP) 2014 in relation to signage provisions. It is important to note that a DCP has a core function of facilitating development permissible within the LEP and achieving the objectives of land zones under this instrument.

Other relevant policy, legislation and reports include:

- Local Government Act 1993 (in relation to footpath use approvals).
- Environmental Planning and Assessment Act 1979.
- State Environmental Planning Policy (Exempt and Complying Development).
- Tenterfield Local Environmental Plan (LEP) 2013.

3. Financial (Annual Budget & LTFP)

Preparation of any amendment to the DCP will entail:

- Council workshopping proposed changes with professional staff.
- Drafting formal reports for Council resolution and amendments to the DCP document.
- Undertaking a full public exhibition period and submission period in line with relevant legislation.
- Formal adoption of any proposed and approved changes.

None of the above have been factored in to existing operational budgets for the 2016-17 financial year, and will therefore be at the expense of existing allocations (dependent upon the extent of proposed changes arising from a workshop).

4. Asset Management (AMS)

Nil.

Our Environment No. 52 Cont...

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Changes to the current provisions of the Tenterfield DCP 2014 may incur:

- Allowable introduction of visual hazards to the road and footpath areas of Rouse St (the New England Highway) for both pedestrians and drivers (public safety risk).
- Unforeseen impacts on Council's insurances (financial risk).
- Obstruction of footpaths in public place, and pedestrian as well as accessible thoroughfare (public safety and access risks).
- Allowable signage at a local level that is not consistent with that permissible in proximity to state highway (political and legislative risk).

7. Performance Measures

NSW State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 permits certain types of signage as 'exempt' (ie. Do not require Council development consent), however has limitations when signage is proposed on heritage items or in heritage conservation areas. Current provisions contained within Chapter 8 of the DCP advise applicants to refer to the SEPP.

8. Project Management

Nil, but may be triggered dependent upon outcomes of workshop.

James Ruprai

Director Strategic Planning & Environmental Services

Prepared by staff member:	James Ruprai, Director Strategic Planning & Environmental Services; Tamai Davidson, Senior Planner
Approved/Reviewed by Manager:	James Ruprai, Director Strategic Planning & Environmental Services
Department:	Strategic Planning and Environmental Services
Attachments:	There are no attachments for this report.

Department:	General Managers Office
Submitted by:	General Manager
Reference:	ITEM GOV24/16
Subject:	RECONSTRUCTION OF COUNCIL'S INTEGRATED PLANNING & REPORTING DOCUMENTS

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Council achieves excellence in corporate governance.
Strategy:	Implement strategies, policies and practices to achieve excellence in corporate governance.
Action:	Undertake all legislative requirements of Local Government.

SUMMARY

The purpose of this report is for Council to endorse the project plan for the review and reconstruction of all of Council's suite of Integrated Planning & Reporting documents.

OFFICER'S RECOMMENDATION:

That Council endorse the project plan for the review and reconstruction of the Integrated Planning & Reporting suite of strategic documents as outlined in this report.

BACKGROUND

In accordance with the NSW Local Government Act 1993, a Council's Community Strategic Plan and subsequently all of the suite of integrated strategic documents are to be reviewed and updated by each new council following its election.

A Councillor Workshop was held on Tuesday the 8th of November to discuss the rebuild project.

REPORT:

In anticipation of the commencement of a new Council term, project planning for the reconstruction of Council's Community Strategic Plan and other key strategies has been progressing over some months and is now able to be presented to Council to outline the process moving forward.

As a part of the project planning process an analysis and benchmarking of Council's existing Community Strategic Plan and other integrated strategic plans was undertaken and identified the key areas of focus for the upcoming reconstruction. The following key principles for the reconstruction were identified:

- Ensure the plans are strategic documents;
- The Community Strategic Plan (CSP) be based on the quadruple bottom line;
- The relationships between the CSP, Delivery Program and Operational Plan be clearly depicted;
- That service levels be determined commensurate with the resourcing of such and guided by affordability to the community;
- That Council's Values, Mission and Goals be strongly presented;
- Clear strategies to deliver each community goal be outlined and linked in the Plan;
- Monitoring and reporting on the Integrated Planning & Reporting (IP&R) framework be outlined;

Our Governance No. 24 Cont...

- Linkage to the State Plan and Regional Action Plan be included; and
- Social Justice Principles and Public Participation Principles be outlined in the plan and embedded in the process.

The following project plan milestones have been developed for the suite of Integrated Strategic Plans to be delivered in time for adoption ahead of the 2017/18 financial year commencement.

The key milestones of the IP&R rebuild project plan are as follows:

- **Community Engagement Program – (Phase 1)**
21 November – 19 December 2016
- **Initial Draft Documents Developed**
6 February 2017
Community Strategic Plan, Long Term Financial Plan, Asset Management Strategy, Workforce Management Strategy.
- **Councillor Workshop**
8 February 2017
Review initial IP&R Draft Documents.
- **Ordinary Council Meeting**
22 February 2017
Endorse IP&R Draft Documents for exhibition and consultation (Community Strategic Plan, Long Term Financial Plan, Asset Management Strategy, and Workforce Plan).
- **Draft Community Strategic Plan and Resourcing Strategy Plans on Public Exhibition**
24 February – 31 March 2017
- **Community Engagement Program – (Phase 2)**
6 March – 17 March 2017
Interactive Community Workshops – various locations.
- **Extra Ordinary Council Meeting**
12 April 2017
Adopt Community Strategic Plan, Long Term Financial Plan, Asset Management Strategy, and Workforce Plan and endorse Draft Delivery Program and Annual Operational Plan.
- **Draft Delivery Program and Operational Plan on Public Exhibition**
14 April – 12 May 2017
- **Community Engagement – Phase 3**
17 -20 April 2017
Webcasting of document presentation.
- **Council Meeting**
24 May 2017
Adoption of Delivery Program and Annual Operational Plan.

Our Governance No. 24 Cont...

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

The project plan includes three (3) distinct phases of community engagement designed to inform the construction of the various documents at each of the stages of development.

The community engagement program is as follows:

Be Involved - Community Listening Posts:

	LISTENING POSTS TIME & VENUE
Tenterfield	Saturday, 3 December 2016 Stall at Railway Station Markets From 10.00 am
Jennings	Sunday, 4 December 2016 Stall at Wallangarra Railway Markets From 10.00 am
Mingoola	Monday, 5 December 2016 Mingoola Community Hall BBQ @ 7.30 pm
Liston	Tuesday, 6 December 2016 Liston Community Hall BBQ @ 7.00 pm
Legume	Wednesday, 7 December 2016 Legume Community Hall Supper @ 7.00 pm
Urbenville	Thursday, 8 December 2016 Urbenville Community Hall Supper @ 6.30 pm
Torrington	Friday, 9 December 2016 Torrington Community Hall Lunch @ 11.30 am
Drake	Saturday, 10 December 2016 Drake Community Hall BBQ @ 11.00 am

Be Involved - Online Forum:

- Phase 1 - From Monday 21st November to Monday 19th December 2016. It will be conducted via our engagement hub website that can be accessed via Council's main website www.council@tenterfield.nsw.gov.au or directly at <https://www.tent.engagementhub.com.au>

Postcard Surveys:

- On the DL Postcard sent out to all residents in November (reply paid);
- Copies also available from council administration office in Tenterfield; or
- Download from council's website at www.council@tenterfield.nsw.gov.au

Our Governance No. 24 Cont...

- Then simply return via reply paid mail or drop into council's administration offices by the 19th December.

Be Involved - Interactive Workshops:

- Phase 2 of the engagement program will address the first draft plan and will be made up of a series of Interactive Community Workshops staged throughout the Shire.
- The Workshops will take place in the period between the 6th and 17th of March 2017.
- Full details of the dates and times for each location will be confirmed in the coming period and subsequently advertised and communicated broadly.

2. Policy and Regulation

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulations 2005,

3. Financial (Annual Budget & LTFP)

The cost of the rebuild project is currently contained within the allocated budget estimates, however, as full costs are finalised a variation to budget may be presented in the next quarterly budget review report.

4. Asset Management (AMS)

This report addresses the review and rebuild of Council's Asset Management Strategy.

5. Workforce (WMS)

This report addresses the review and rebuild of Council's Workforce Management Strategy.

6. Legal and Risk Management

N/A

7. Performance Measures

N/A

8. Project Management

N/A

Damien Connor
General Manager

Prepared by staff member:	Damien Connor, General Manager
Approved/Reviewed by Manager:	Damien Connor, General Manager
Department:	General Managers Office
Attachments:	There are no attachments for this report.

Department:	General Managers Office
Submitted by:	General Manager
Reference:	ITEM GOV25/16
Subject:	REVIEW OF COUNCIL ADVISORY COMMITTEES

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Council achieves excellence in corporate governance
Strategy:	Implement strategies, policies and practices to achieve excellence in corporate governance
Action:	Undertake all Legislative requirements of Local Government

SUMMARY

The purpose of this report is to present to Council the proposed Committee structure following a review of the function, efficiency and effectiveness of all of the previous committees, individually as well as collectively.

This report also addresses the need to review Councils current s355 Advisory Committees in-line with Office of Local Government Circular 16-24 and feed-back received from a number of the Committees.

OFFICER'S RECOMMENDATION:

That Council:

(1) Adopts the following Committee Structure for 2016/17 and places it on exhibition for a period of fourteen (14) days for public comment:

(a) Specific Purpose Committees:

- **Sir Henry Parkes Memorial Management Committee;**
- **International Town Partnership Advisory Committee;**
- **Tenterfield Saleyards Advisory Committee;**
- **Aboriginal Advisory Committee;**
- **Heritage Advisory Committee;**
- **Anzac Centenary Steering Committee;**
- **Disability, Inclusion & Access Advisory Committee.**

(b) Community Engagement Forums:

- **Our Society**
- **Our Environment**
- **Our Economy.**

(2) Determine the Councillor representatives (2) for each of the Specific Purpose Committees.

(3) Determine the Councillor representatives (3) for each of the Community Engagement Forums.

(4) Subsequently wind-up the S355 Advisory Committees previously set-up under Chapter 12 Part 1 of the *NSW Local Government Act 1993*;

(5) Contact the members of the Legume to Woodenbong Road Alliance

Our Governance No. 25 Cont...

inviting them to become part of the key stakeholder group to be utilized during the upgrade of this section of the Mt Lindesay Road.

BACKGROUND

At the September 2016 Extraordinary Council Meeting a resolution was passed to initiate a review of Councils previous S355 Advisory Committees. The resolution passed in this regard was as follows:

2. *A review of all of Councils s355 Advisory Committees be undertaken in-line with recent Office of Local Government Circular 16-24;*
3. *A subsequent report be presented to Council on the proposed structure of Councils Committees following the review.*

Council is required annually to determine the delegate/s that are to represent Council on external bodies and other community committees and panels.

The Office of Local Government recently released a Circular (16-24) to all Councils to review committees established under Section 355 of the *NSW Local Government Act 1993*.

REPORT:

In undertaking the review of Council's S355 Advisory Committees, a number of key objectives were utilised, they are as follows:

1. Ensure the alignment of community engagement mediums with Councils strategic direction (Community Strategic Plan and Delivery Program);
2. The purpose of individual community engagement mediums should be able to be clearly linked with the goals and objectives of Councils Delivery Program;
3. Community engagement mediums shall be open and accessible to the whole community and deliberations shall remain balanced, transparent and subject to critical oversight;
4. The form of community engagement mediums should be determined to ensure that they are flexible and individualized enough to obtain the best possible community involvement (i.e. remote participation, membership, removal of quorum requirements) whilst ensuring adherence with the required standards of governance;
5. Community engagement mediums are to be structured so as not to become involved in the day to day management of Council or any functions delegated by Council to others;
6. Community engagement mediums should operate in an manner to ensure that the time and energy of attendees is best utilised;
7. Community engagement mediums should be able to operate in a manner so as to remove red tape or non-value adding procedures and to best utilise the limited resources of Council in undertaking community engagement.

Our Governance No. 25 Cont...

This review utilised feed-back received from a number of the previous S355 Advisory Committees about structure, flexibility, membership, remote involvement, quorum requirements and the effectiveness and best use of member's time in community engagement mediums.

Input was also sort from the senior management of Council who are tasked with oversight and resourcing of the previous S355 advisory committees and Council's specific purpose committees.

As a result of the initial review the following issues were identified:

- Establishing committees under section 355 of the Act (and all of the resultant governance requirements of such) is neither an efficient or effective way of gaining broad community engagement, and in fact restricts participation and the flexibility desired by community members;
- A number of the current S355 Advisory Committees are very specifically focused and do not meet the broad strategic nature outlined in OLG Circular 16-24;
- A number of the current S355 Advisory Committees would be far better addressed as specific purpose committees and not as S355 Advisory Committees;
- The focus area of a number of the S355 Advisory Committees should be rolled together to create a broader community engagement forum that is better aligned to Council's Community Strategic Plan;
- The terms of reference for any future community engagement forums should be able to be aligned with a Community Strategic Plan *goal area* and clearly linked to the objective identified for this area of Council's Delivery Program;
- The structure of Council's revised Community Strategic Plan will utilise five (5) key goal areas, including; Our Economy, Our Environment, Our Society, Our Transport; and Our Leadership. Two (2) of these goal areas have existing Committees that address them (Leadership – Audit & Risk Committee & Transport – Local Traffic Committee). The other three (3) key goal areas are ideally suited to having a community engagement forum covering them;
- That whilst the objective of the S355 Committee - Legume to Woodenbong Road Alliance has now been met with the confirmation of funding for such, there is an identified benefit in inviting the previous members to be involved on a key stakeholders group to be utilised by senior management for communication during the upgrade of this section of the Mt Lindesay Road.

Resultantly the following structure for Councils community engagement and advisory committees is now recommended moving forward to replace the previous S355 Advisory Committees:

Specific Purpose Committees

- Sir Henry Parkes Memorial Management Committee
- International Town Partnerships Advisory Committee
- Tenterfield Saleyards Advisory Committee
- Aboriginal Advisory Committee

Our Governance No. 25 Cont...

- Heritage Advisory Committee
- Anzac Centenary Steering Committee
- Disability, Inclusion & Access Advisory Committee

Community Engagement Forums

- Our Environment
- Our Economy
- Our Society

Councillor representation on the community engagement forums is recommended to be three (3) Councillors for each, however, as they are an open forum, Councillors are welcome to attend all of the forums at their discretion and as time permits.

Councillor representatives for the specific purpose committees is recommended to be two (2) Councillors for each. The Mayor is ex-officio a member of all committees of Council.

A detailed Tenterfield Shire Council Register of Committees will now be developed following the review process and adoption of the final committee's structure, which will include further background and details on all of Councils external bodies, specific purpose committees and community engagement forums all located in the one reference document.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Community forums are an integral part of Councils community engagement and communication functions. The review of Councils current committee's structure is designed to more closely align them with Council's Delivery Program and resourcing and provide an improved level of engagement with the community through a more flexible approach to community input.

2. Policy and Regulation

- NSW Local Government Act 1993;
- NSW Local Government (General) Regulations 2005; and
- Tenterfield Shire Council Code of Meeting Practice.

3. Financial (Annual Budget & LTFP)

No change.

4. Asset Management (AMS)

No change.

5. Workforce (WMS)

No change.

6. Legal and Risk Management

N/A

7. Performance Measures

N/A

Our Governance No. 25 Cont...

8. Project Management

N/A

Damien Connor
General Manager

Prepared by staff member:	Damien Connor, General Manager
Approved/Reviewed by Manager:	Damien Connor, General Manager
Department:	General Managers Office
Attachments:	Nil.

Department:	Corporate Services
Submitted by:	Director Corporate Services
Reference:	ITEM GOV26/16
Subject:	Finance and Accounts

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	<i>Direction 6.1 – Council has a long-term vision based on principles of sustainability.</i>
Strategy:	<i>Strategy 6.1c Provide Financial Services for the Council in an accurate, timely, open and honest manner.</i>
Action:	<i>Review monthly reports to Council to ensure that they are easy to read and provide timely information.</i>

SUMMARY

In accordance with Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

OFFICER'S RECOMMENDATION:

That Council receive and note the Manager Finance's Report "Finance and Accounts" for the period ended 31 October 2016.

BACKGROUND

In accordance with Clause 212 of the Local Government (General) Regulation 2005 the Responsible Accounting Officer must provide a written report setting out details of all money that the Council has invested under Section 625 of the Local Government Act 1993. The report must be made up to the last day of the month immediately preceding the meeting.

REPORT:

A reconciliation of cash books of all funds has been carried out with the appropriate bank statements. A certified schedule of all Council's investments showing the various amounts invested is attached to this report.

(a) Reconciliation of Accounts

Reconciliation of cash books of all funds have been carried out with the appropriate bank statements as at 31 October 2016.

Cash Book Balances on this date were as follows:-

General (Consolidated)	\$	1,098,802.49	Credit
General Trust	\$	321,533.93	Credit

(b) Summary of Investments

Attached to this report is a certified schedule of all Council's investments as at 31 October 2016 showing the various invested amounts and applicable interest rates.

Our Governance No. 26 Cont...

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- Investment Policy (Policy Statement 1.091)
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Ministerial Investment Order
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

3. Financial (Annual Budget & LTFP)

While the Reserve Bank reduced the cash rate (the market interest rate on over-night funds) to 1.50% on 2 August after previously reducing it to 1.75% on 3 May 2016 at this stage no budget adjustments are required.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

There has been no adjustment to budget expectations at this stage.

8. Project Management

Nil.

Allan Shorter

Director Corporate Services

Prepared by staff member:

Paul Chawner, Finance Manager

Approved/Reviewed by Manager:

Allan Shorter, Director Corporate Services

Department:

Corporate Services

Attachments:

1 Attachment 4 (Booklet 1) -
Summary of Investments - 31
October 2016

1
Page

Department:	Corporate Services
Submitted by:	Director Corporate Services
Reference:	ITEM GOV27/16
Subject:	Posted Expenditure Report

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Direction 6.1 – Council has a long-term vision based on principles of sustainability.
Strategy:	Strategy 6.1c Provide Financial Services for the Council in an accurate, timely, open and honest manner
Action:	Review monthly reports to Council to ensure that they are easy to read and provide timely information.

SUMMARY

The purpose of this report is to monitor progress on major and critical expenditure items and flag when the expenditure reaches 60% of budget whether the item will meet budgeted targets.

OFFICER'S RECOMMENDATION:

That Council receive and note the "Posted Expenditure Report" for the period ended 31 October 2016.

BACKGROUND

Council receives a monthly posted expenditure report to monitor the capital projects for the financial year.

The posted expenditure report for the period ended 31 October 2016 provides information on the percentage (%) of the original budget expended.

The posted expenditure report establishes a process of monitoring budget variations more effectively. Where over-expenditure has occurred the quarterly budget review process provides a mechanism for the effect of the over-expenditure to be considered within the context of the overall budget.

The accommodation of over-expenditure will require the allocation for other projects to be reduced or even removed from the budget altogether, or transfer of funds from reserves.

In the attachment to this report comment is provided on all projects where the percentage spent of the approved budget is 60% or higher.

REPORT:

There is no major over-expenditure to report.

Budget revotes approved by Council at its July meeting have been included in the "Approved Changes – Other" column.

Budget carry forwards from 2015/16 for projects in progress have also been included in the "Approved Changes – Other" column. The carry forward of these budgets is authorised by Clause 211 of the Local Government (General) Regulation 2005.

Our Governance No. 27 Cont...

The expenditure budget for the Roads to Recovery Program will be reduced by a net amount of \$478,713 being an additional \$454,639 shown in the "Approved Changes - Other" column representing unspent grant funds from projects in the 2015/16 program, less \$933,352 shown in the "Recommended Changes Next QBR" column. This amount represents a \$733,352 reduction in 2016/17 funding (which has been re-allocated to 2017/18 by the Commonwealth Government), and a \$200,000 transfer to the Fixing Country Roads Program. These amendments are included in the September Quarter Budget Review.

Any other proposed budget amendments are included in the "Recommended Changes Next QBR" column which are also included in the September Quarter Budget Review.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

3. Financial (Annual Budget & LTFP)

All amendments noted in this report are included in the September QBR.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

The budget amendments shown in this report are included in the September Quarter Budget Review. Variations to Key Performance indicators as a result of budget variations form part of that report.

8. Project Management

Nil.

Allan Shorter
Director Corporate Services

Prepared by staff member: Paul Chawner, Finance Manager
Approved/Reviewed by Manager: Allan Shorter, Director Corporate Services
Department: Corporate Services

Our Governance No. 27 Cont...

Attachments:

- | | | |
|----------|--|---------|
| 1 | Attachment 5 (Booklet 1) - Capital Expenditure Program 2016/17 - 31 October 2016 | 3 Pages |
|----------|--|---------|

Department:	Corporate Services
Submitted by:	Director Corporate Services
Reference:	ITEM GOV28/16
Subject:	2015/16 Financial Statements

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Direction 6.1 – Council has a long-term vision based on the principles of sustainability.
Strategy:	6.1c – Implement accounting and financial management policies and practices that provide for the ongoing sustainable operations of Council’s facilities and services.
Action:	Provide financial services for the Council in an accurate, timely, open and honest manner.

SUMMARY

The purpose of this report is to present the 2015/16 Financial Statements.

OFFICER’S RECOMMENDATION:

That Council adopts the audited Annual Financial Statements for the year ended 30 June 2016 as attached.

BACKGROUND

Council’s Auditors, Forsyths Chartered Accountants, have completed the audit of the 2015/16 Financial Statements and have provided an audit opinion of the Financial Statements in accordance with Section 417 of the Local Government Act 1993. Their audit reports form part of the Financial Statements which is provided as an attachment to this report.

In accordance with Section 418 of the Local Government Act 1993, Council is required to give public notice of the presentation of the Financial Statements. This was done through advertisements in the Tenterfield Star and Southern Downs Weekly on 9 November, 2016.

In accordance with Section 419 of the Local Government Act, through this report (and its attachments) and a presentation of the Auditors Report by Mr Paul Cornall from Forsyths Chartered Accountants at this meeting, Council formally presents the audited financial statements for the year ended 30 June 2016.

REPORT:

A summary of Councils financial results for 2016 in the form of the public notice is reproduced in Table 1 below. These results are shown on a consolidated funds basis and therefore aggregate the results of Councils general, waste, water, sewerage and stormwater funds and provide comparison with the 2015 results. –

Our Governance No. 28 Cont...

TABLE 1 – CONSOLIDATED FINANCIAL RESULTS

	2016 \$'000	2015 \$'000
Income Statement		
Total Income from Continuing Operations Total	21,639	20,659
Expenses from Continuing Operations	18,146	16,596
Operating Result from Continuing Operations	3,493	4,063
Net Operating Result for the Year	3,493	4,063
Net Operating Result before Grants & Contributions Provided for Capital Purposes	1,435	235
Balance Sheet		
Total Current Assets	15,208	14,949
Total Current Liabilities	(3,469)	(4,470)
Total Non Current Assets	352,739	353,137
Total Non Current Liabilities	(5,877)	(6,199)
Total Equity	358,601	357,417
Other Financial Information		
Operating Performance Ratio (%)	9.75%	2.71%
Own Source Operating Revenue Ratio (%)	51.43%	48.21%
Unrestricted Ratio	4.67 : 1	3.06 : 1
Debt Service Cover Ratio (%)	8.90x	7.64x
Rates & Annual Charges Outstanding Ratio (%)	5.96%	6.85%
Cash Expense Cover Ratio (months)	10.76 mths	12.7 mths
Building & Infrastructure Renewals Ratio (%)	118.1%	149.35%
Infrastructure Backlog Ratio (%)	5.63%	7.86%
Asset Maintenance Ratio (times)	1.08x	1.06x

Table 2 below shows that in 2016 Council achieved most of the performance benchmarks set by the office of Local Government (OLG) and where the benchmark was achieved, Council was significantly above benchmark. While not achieved in 2016, the Infrastructure Backlog Ratio will continue to improve as funding from the Special Ratio's Variation (SRV) is invested in asset renewal, along with renewal of water infrastructure assets (such as the dam wall and water treatment plant).

TABLE 2 – PERFORMANCE INDICATORS vs BENCHMARK (CONSOLIDATED FUNDS)

Performance Indicator	Actual 2015/16	OLG Benchmark	Benchmark Achieved
Operating Performance Ratio (%)	9.75%	>0%	✓
Own Source Operating Revenue Ratio (%) (*)	51.43%	>60%	✗
Unrestricted Current Ratio	4.67%	>1.5x	✓
Debt Service Cover Ratio	8.90x	>2.0x	✓

Our Governance No. 28 Cont...

Performance Indicator	Actual 2015/16	OLG Benchmark	Benchmark Achieved
Rates & Annual Charges Outstanding Ratio	5.96%	<10% (Rural)	✓
Cash Expense Cover Ratio	10.76 mths	>3 mths	✓
Building & Infrastructure Renewals Ratio (%)	118.1%	>100%	✓
Infrastructure Backlog Ratio (%)	5.63%	<2%	x
Asset Maintenance Ratio (times)	1.08x	>1.00x	✓

(*) When Rural Councils are undergoing "Fit for the Future" assessment they are allowed to include their Financial Assistance Grant as "own source" revenue. Tenterfield would comfortably meet this benchmark if the calculation method for the Financial Statements was the same as used for "Fit for the Future".

Table 3 below shows the performance indicators when excluding the water and sewerage funds (i.e. only including general fund, waste fund and the stormwater fund). The results show that in 2016, Council's results were strong in comparison to the benchmarks (noting the different calculation methods that are used for the Own Source Operating Revenue Ratio – see (*) paragraph above) and that the Infrastructure Backlog Ratio is improving (7.59% in 2015).

TABLE 3 – PERFORMANCE INDICATORS vs BENCHMARK (all Funds excluding Water & Sewerage)

Performance Indicator	Actual 2015/16	OLG Benchmark	Benchmark Achieved
Operating Performance Ratio (%)	11.37%	>0%	✓
Own Source Operating Revenue Ratio (%) (*)	43.37%	>60%	x
Unrestricted Current Ratio	4.87%	>1.5x	✓
Debt Service Cover Ratio	10.01x	>2.0x	✓
Rates & Annual Charges Outstanding Ratio	5.93%	<10% (Rural)	✓
Cash Expense Cover Ratio	10.41 mths	>3 mths	✓
Building & Infrastructure Renewals Ratio (%)	131.66%	>100%	✓
Infrastructure Backlog Ratio (%)	4.64%	<2%	x
Asset Maintenance Ratio (times)	1.14x	>1.00x	✓

Our Governance No. 28 Cont...

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

In accordance with Section 420 of the Local Government Act 1993 any person may make submissions to Council with respect to Council's audited financial statements or with respect to the auditor's reports. A submission must be in writing and must be lodged with Council within 7 days after the date on which the reports are presented to the public. The Council must ensure that copies of all submissions received by it are referred to the auditor, and may take such action as it considers appropriate with respect to any submission.

2. Policy and Regulation

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

3. Financial (Annual Budget & LTFP)

The LTFP will need to be updated to reflect actual end of year results for 2015/16.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

N/A – Comment on performance measures is included in the body of the report.

8. Project Management

Nil.

Allan Shorter
Director Corporate Services

Prepared by staff member:	Paul Chawner, Finance Manager	
Approved/Reviewed by Manager:	Allan Shorter, Director Corporate Services	
Department:	Corporate Services	
Attachments:	1 Attachment 6 (Booklet 2) - Financial Statement - 2015/16	139 Pages

Department:	Corporate Services
Submitted by:	Director Corporate Services
Reference:	ITEM GOV29/16
Subject:	2016/17 Budget Review as at 30 September 2016

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Direction 6.1 – Council has a long-term vision based on the principles of sustainability.
Strategy:	6.1c – Implement accounting and financial management policies and practices that provide for the ongoing sustainable operations of Council’s facilities and services.
Action:	Provide financial services for the Council in an accurate, timely, open and honest manner.

SUMMARY

The purpose of this report is to submit the September Quarter Budget Review to Council.

OFFICER’S RECOMMENDATION:

That Council adopt the 2016/17 Budget Review as at 30 September 2016.

BACKGROUND

The Office of Local Government has developed a set of minimum requirements for the Quarterly Budget Review Statements. The Quarterly Budget Review statement must show, by reference to the estimated income and expenditure that is set out in the operational plan adopted by Council, a revised estimate of income and expenditure for the year. It also requires the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates Council to be in a satisfactory financial position with regard to its original budget, and if not, to include recommendations for remedial action.

A Quarterly Budget Review Statement for the September quarter has been prepared in accordance with the Code of Accounting Practice and Financial Reporting.

The Quarterly Budget Review Statement includes the following reports;

1. Report by Responsible Accounting Officer
2. Income & Expenses Budget Review Statement
3. Capital Budget Review Statement
4. Budget Review Statement – Recommended Changes to Revised Budget
5. Cash & Investments Budget Review Statement
6. Key Performance Indicators Budget Review Statement
7. Contracts Budget Review Statement
8. Consultancy & Legal Expenses Budget Review Statement

A detailed budget review showing each budget item is attached to the report to support the Quarterly Budget Review Statement (Attachment 7 (Booklet 3)).

Our Governance No. 29 Cont...

REPORT:

Operating Result

Table 1 below compares the projected operating result with the original budget. It shows that the projected consolidated surplus has decreased by \$313,550.87 which is mainly due to a reduction in the general fund surplus of \$371,211.62.

TABLE 1 – OPERATING RESULT EXCLUDING CAPITAL GRANTS AND CONTRIBUTIONS

Fund	Original Budget	Revised Budget	Variance
General	\$ 762,651.93	\$ 391,440.31	(\$371,211.62)
Waste Management	\$ 222,408.71	\$ 240,546.71	\$ 18,138.00
Water	(\$ 68,677.71)	(\$ 66,656.96)	\$ 2,020.75
Sewerage	(\$ 111,938.23)	(\$ 74,561.23)	\$ 37,377.00
Stormwater	(\$ 43,967.00)	(\$ 43,842.00)	\$ 125.00
Total	760,477.70	\$ 446,926.83	(\$313,550.87)

The following table (Table 2) details the principal variations accounting for the change in the operating result (variations to operating income which are offset by an equal increase in operating expenditure are disregarded as the net effect is zero). The variations in the waste, water, sewerage and stormwater funds are not considered material.

TABLE 2 – MATERIAL BUDGET VARIATIONS – OPERATING RESULT EXCLUDING CAPITAL GRANTS AND CONTRIBUTIONS

Function	Account Description	Variation	Reason
General Purpose Revenues	IMF Settlement Income	\$ 383,830.03	Settlement received from legal action to recover CDO investments.
General Purpose Revenues	Financial Assistance Grant Income	\$ 35,657.00	Net increase in the Financial Assistance Grant following formal notification of the grant.
Transportation Services	Roads to Recovery Grant Income	(\$ 733,352.00)	Reduction in grant funding for 2016/17. Funding reallocated to 2017/18.
Administration Services (Executive)	IP & R Reconstruction Expenditure	(\$ 50,000.00)	Allowance for preparation of new suite of IP & R documents.
Human Resources	Innovation Fund – Capacity Development Expenditure	(\$ 55,000.00)	Council contribution to the Innovation Fund Capacity Development Program – funded from reserves.
Human Resources	Superannuation Expenses	(\$ 76,000.00)	On-going additional superannuation

Our Governance No. 29 Cont...

Function	Account Description	Variation	Reason
			contributions to State Super to offset GFC losses - \$76k p.a. for 4 years – funding for this has been set aside in reserves.
Administration Services	Legal Expenses	(\$ 15,000.00)	Increase in budget to cover costs for an injunction application to prevent an illegal music festival
Environmental Services	Destruction of Noxious Weeds Expenses	(\$ 45,938.11)	Council contribution to control of noxious weeds not spent in 2015/16 – this funding was set aside in a reserve.
Transportation Services	Regional Roads Block Grant Maintenance	\$ 187,874.80	Reduction in the expenditure budget to offset over expenditure in 2015/16. This program is wholly grant funded.
Total		\$ 367,928.28	

Capital Budget

The capital expenditure budget shows in Table 3 below that projected capital expenditure will increase by \$3,523,225.00 above the original budget. This is largely as a result of the carry forward of projects that were in the 2015/16 budget but were not completed. This additional expenditure will be funded either by grants or where a Council contribution has been required, Council has provided for this by ensuring the funding was protected in internal reserves or restricted funds at 30 June, 2016. Table 4 below details the material variations in each fund and how the variation will be funded (note - immaterial variations are not included).

TABLE 3 – CAPITAL EXPENDITURE BUDGET

Fund	Original Budget	Revised Budget	Variance
General	\$ 10,228,099.52	\$ 13,073,530.98	\$ 2,845,431.46
Waste Management	\$ 628,084.74	\$ 884,360.06	\$ 256,275.32
Water	\$ 5,837,545.87	\$ 5,880,126.59	\$ 42,580.72
Sewerage	\$ 660,537.75	\$ 769,475.25	\$ 108,937.50
Stormwater	\$ 166,304.11	\$ 166,304.11	\$ 0.00
Total	\$ 17,520,571.99	\$ 20,773,796.99	\$ 3,523,225.00

Our Governance No. 29 Cont...

TABLE 4 – MATERIAL BUDGET VARIATIONS – CAPITAL EXPENDITURE BUDGET

General Fund

Function	Account Description	Variation	Reason
Town Planning	EHC & DA Portal	\$ 16,507.25	Project commenced in 2014/15. Funded by \$1,507.25 unexpended grant held in restricted funds and \$15,000 held in internal reserves being Council's contribution.
Property Management	Admin Building – Replace Window Frames (SRV)	\$ 24,526.00	Project carried forward from 2015/16. Funding re-voted by Council in July. Funding held in internal reserves.
Property Management	Admin Building – Repaint Interior (SRV)	\$ 14,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July. Funding held in internal reserves.
Property Management	Niche Wall / Rose Garden at Cemetery (SRV)	\$ 17,162.84	Project commenced in 2015/16. Unexpended funding carried forward from last year. Funding held in internal reserves.
Property Management	WHS Signage at Saleyards	\$ 14,823.19	This is an additional project funded from the unspent Saleyards WHS Surcharge to 30/6/16. Funding held in internal reserves.
Property Management	Halls Electrical Upgrade	\$ 8,128.54	On-going project. Unexpended funding carried forward from last year. Funding held in internal reserves.
Property Management	New Public Toilets Urbenville Captain Cook Park	\$ 10,010.50	Project commenced in 2015/16. Unexpended funding carried forward from last year. Funding held in internal reserves. This is to landscape and supply plants around the new facility.
Cultural Facilities	Library Local Priority Grant 2013/14	\$ 5,492.93	Funded from unexpended grant funds held in restricted

Our Governance No. 29 Cont...

Function	Account Description	Variation	Reason
			funds.
Cultural Facilities	Library Local Priority Grant 2014/15	\$ 7,502.92	Funded from unexpended grant funds held in restricted funds.
Cultural Facilities	Library – Repaint Exterior & Repair Windows	\$ 25,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July. Funding held in internal reserves.
Cultural Facilities	Library Local Priority Grant 2015/16	\$ 6,482.00	Funded from unexpended grant funds held in restricted funds.
Cultural Facilities	Repair & Paint Interior Southern Wall of Cinema (SRV)	\$ 7,502.92	Project carried forward from 2015/16. Funding re-voted by Council in July. Funding held in internal reserves.
Cultural Facilities	School of Arts – Repaint Exterior & Repair Windows (SRV)	\$ 25,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July. Funding held in internal reserves.
Transportation Services	Works Depot – Contribution to Washbay	\$ 15,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July. Funding held in internal reserves.
Transportation Services	Works Depot – Resurfacing of access and hardstand areas, including drainage improvements	\$ 13,350.88	Project commenced in 2015/16. Unexpended funding carried forward from last year. Funding held in internal reserves.
Transportation Services	Public Works Plant Purchases	\$ 745,500.00	Carry forward of items under contract from 2015/16 + change-over of Unit 52 not included in the original budget. Funded from the plant reserve.
Transportation Services	Bruxner Way 2011/12 – Safety Net	(\$ 693,915.48)	Originally to be used as Council's contribution to a Fixing Country Roads grant application for Bruxner Way. The application was not successful and the funding has been returned to restricted

Our Governance No. 29 Cont...

Function	Account Description	Variation	Reason
			funds.
Transportation Services	Roads to Recovery 2014/19	(\$ 478,713.00)	The variation represents a reduction in the Roads to Recovery Grant for 2016/17 of \$733,352 offset by unspent funding from 2015/16 carried forward of \$454,639 (these funds are held in restricted funds) less \$200,000 transferred to the Fixing Country Roads program for Mt Lindesay Rd.
Transportation Services	Repair 2015/16	\$ 364,154.04	Project commenced in 2015/16 but is not complete. This project is wholly grant funded.
Transportation Services	Fixing Country Roads (Wallaby Creek Bridge)	\$ 115,005.93	Project commenced in 2015/16 but is not complete. This project is wholly grant funded.
Transportation Services	Mt Lindesay Road (Legume to Woodenbong) Fixing Country Roads	\$1,862,290.70	Project commenced in 2015/16 but is not complete. This project is wholly grant funded.
Transportation Services	Storm Damage Works 2015 Regional Roads	\$ 60,000.00	The project was originally scheduled to commence in 2015/16. The funding for 2015/16 has now been transferred to 2016/17. This project is wholly grant funded.
Transportation Services	RMS On-Road Shared Path Scott Street	\$ 39,326.68	This project commenced in 2015/16 but is not complete. Councils contribution to the project is held in internal reserves; the balance is to be paid by the RMS.
Transportation Services	Storm Damage Works 2015 Local Roads	\$ 89,000.00	The project was originally scheduled to commence in 2015/16. The funding for 2015/16 has now been transferred to 2016/17.

Our Governance No. 29 Cont...

Function	Account Description	Variation	Reason
			Councils contribution to this project (\$29,000) is held in internal reserves and the balance will be paid by the RMS.
Transportation Services	Gravel Resheets (SRV)	\$ 117,446.05	This is an on-going SRV funded project. Unspent funds from 2015/16 are held in internal reserves.
Transportation Services	Bridge Preconstruction	\$ 24,460.60	This funding represents the final balance of loan funds from the construction of bridges on MR622 drawn in 2010. These funds are held in restricted funds.
Transportation Services	Bridges/Causeways (SRV)	\$ 17,523.05	This an on-going SRV funded project. Unspent funds from 2015/16 are held in internal reserves
Transportation Services	Main Street – Complete Final Stage	\$ 366,837.90	The project is funded from unexpended loan funds for the main street project (\$349,000) and the residual of SRV funding allocated to the main street renewal held in internal reserves.
TOTAL		\$2,839,406.44	

Waste Management Fund

Function	Account Description	Variation	Reason
Waste Management	Purchase/Delivery of Wheelie Bins	\$ 12,368.10	Project commenced in 2015/16. Unexpended funding carried forward from last year.
Waste Management	Community Recycling Centre	\$ 193,907.22	Project commenced in 2015/16. \$142,347.48 funded from unexpended grant receipts.
Waste Management	Tenterfield WTS EIS	\$ 50,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July.

Our Governance No. 29 Cont...

Function	Account Description	Variation	Reason
Total		\$ 256,275.32	

Water Fund

Function	Account Description	Variation	Reason
Water	Sludge Removal	\$ 16,765.70	Project commenced in 2015/16. Unexpended funding carried forward from last year.
Water	Partial Enclosure of Black Tank (Urbenville)	\$ 15,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July.
Water	Chemical Storage Shed (Urbenville)	\$ 15,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July.
Total		\$ 46,765.70	

Sewerage Fund

Function	Account Description	Variation	Reason
Sewerage	STP – Scada System Upgrade	\$ 29,022.50	Project commenced in 2015/16. Unexpended funding carried forward from last year.
Sewerage	Removal of Sludge from Tertiary Ponds / Renewal of Capacity	\$ 50,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July.
Sewerage	STP Sludge Removal (Urbenville)	\$ 9,915.00	Project commenced in 2015/16. Unexpended funding carried forward from last year.
Sewerage	STP – 2 bay Shed for Storage of Jetter/Mower	\$ 20,000.00	Project carried forward from 2015/16. Funding re-voted by Council in July.
Total		\$ 108,937.50	

Key Performance Indicators

The following table (Table 5) compares the key performance indicators on a consolidated funds basis with the original budget. A more detailed analysis is contained in the Quarterly Budget Review Statement. It shows that Council is achieving all benchmarks except the Own Source Operating Revenue Ratio and the Infrastructure Backlog Ratio.

Our Governance No. 29 Cont...

When the Financial Assistance Grant is included in the Own Source Revenue Ratio calculation (as it is for "Fit for the Future" assessment purposes) Council would also meet that performance benchmark. On a consolidated funds basis, the Infrastructure Backlog Ratio is projected to be under 2% in 2018/19.

TABLE 5 – KEY PERFORMANCE INDICATORS (CONSOLIDATED FUNDS)

Performance Indicator	OLG Benchmark	Projection 2016/17	Original Budget 2016/17
Operating Performance Ratio (%)	>0%	2.81%	4.40%
Own Source Operating Revenue Ratio (%)	>60%	44.55%	46.00%
Unrestricted Current Ratio	>1.5x	2.81x	2.23x
Debt Service Cover Ratio	>2.0x	7.42x	7.76x
Rates, Annual Charges, Interest & Extra Charges Outstanding	<10% (Rural)	5.76%	5.76%
Cash Expense Cover Ratio	>3 mths	9.86 mths	7.33 mths
Building & Infrastructure Renewals Ratio	>100%	266.63%	229.04%
Infrastructure Backlog Ratio	<2%	2.67%	2.67%
Asset Maintenance Ratio	>1.00x	1.10%	1.10x

Working Funds

Working funds is a financial indicator that discloses the working capital available to Council to fund day to day operations. Working funds is the net current assets (current assets less current liabilities) less "restricted" cash and investments included in current assets. Restricted cash includes reserves set aside by Council for a specific purpose (internal restrictions) and external restrictions (such as unspent grants or loan funds). The net current assets figure is adjusted for items already included in the annual budget to avoid double counting. This involves adding back interest bearing liabilities disclosed as a current liability and cash backed provisions.

The working funds table below (Table 6) shows that all funds are in a sound position and have more than adequate liquidity to meet commitments in the short term.

TABLE 6 – ESTIMATED WORKING FUNDS POSITION

Fund	Projected 30/06/2017
General Fund	1,661,205.47
Waste Management	656,266.98
Tenterfield Water	1,959,710.57
Tenterfield Sewerage	1,329,999.52
Stormwater Management	258,142.40
TOTAL	5,865,324.94

A summary of the significant movements in the budget during the September Quarter forms part of the Quarterly Budget Review Statement.

Our Governance No. 29 Cont...

The budget shows income from all sources (operating income, capital income, loan funds, proceeds from the sale of assets, transfers from reserves, restricted funds) and operating expenditure, capital expenditure, transfers to reserves and restricted funds.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

N/A.

2. Policy and Regulation

- Local Government Act 1993
- Local Government (General) Regulation 2005
- Local Government Code of Accounting Practice and Financial Reporting
- Australian Accounting Standards
- Office of Local Government Circulars

3. Financial (Annual Budget & LTFP)

Recommended variations to the annual budget are detailed in this report.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

The Budget Review is submitted to Council in accordance with Clause 203(1) of the Local Government (General) Regulation 2005.

7. Performance Measures

The impact of the recommended budget variations on Councils key performance indicators is detailed in the Quarterly Budget Review Statement.

8. Project Management

Nil.

Allan Shorter
Director Corporate Services

Prepared by staff member:	Paul Chawner, Finance Manager
Approved/Reviewed by Manager:	Allan Shorter, Director Corporate Services
Department:	Corporate Services
Attachments:	1 Attachment 7 (Booklet 3) - 73 Pages

(ITEM RC39/16) REPORTS OF COMMITTEES & DELEGATES - ARTS NORTHWEST - ARTLANDS CONFERENCE - DUBBO - 27-30 OCTOBER 2016

REPORT BY: Gary Verri, Councillor

Cr Gary Verri attended the Arts Northwest Artlands Conference in Dubbo – 27 to 29 October 2016. Cr Verri is a Board Member on the Arts Northwest Board.

RECOMMENDATION

That the report from Arts NorthWest Board Member, Cr Gary Verri be received and noted.

REPORT

Many themes and workshop were presented over the three (3) days. It was all very well organised but one person was unable to attend all that was offered because of a clash of times so I attended those forums I felt would be of interest to Council.

One of the Artland Themes was agriculture, featuring a rural setting with one span of a centre pivot used as centre stage featuring trapeze artists using swings swinging off the centre pivot, music notes made with a guy rope and a light show. A gas well was belching out flames - this was demonstrating how art was being used as a weapon against coal seam gas mining.

Clive Parkinson UK MMV spoke on the social poison of consumerism and the need for Councils to have a cultural plan with a % of the budget devoted to public art and how this succeeded in the UK.

Arts OutWest was the first art organisation to employ a health worker who worked in collaboration with hospitals in the UK and Australia and found the noise levels in these institutions was so high it was having a detrimental effect on patients.

David Doyle and Dr Ricardo Peach are using art as a method of getting the message across about AIDS. With an infection rate of 30%, the South African government has no budget to combat AIDS.

Key note speaker Skinder Hundel and Gray Yeoh and panel of 4 speakers – art has, and is being used, to break down all types of barriers. They also pointed out the need for a master plan.

The Director of Murray Art Museum, stated Albury had a beautiful, old, crumbling building with declining visitation which was not suitable as a Cultural Centre. After engaging various groups, they came up with their ultra-modern Cultural Centre. The panel pointed out that investments in cultural centres has a positive financial result and that regional galleries are a valuable and viable centre of excellence.

100 years ago the town of Totnes, [Darlington - UK] with agriculture, logging and fishing the main industries all experiencing difficult times, was turned into a Cultural Centre. The schools were all manned by practicing artists and the town became the cultural centre of Europe.

Bermagui, NSW, population 2,000 was experiencing similar problems to Totnes. 25 years ago a group of artists banded together to form 4 Winds.

Report of Committee No. 39 Cont...

This group now employs 5.5 people, has festivals year round and attracts international visitors. 70% of the visitors regularly return and 60% come to a specific event. All levels of the community are included eg schools, indigenous artists etc. 90% of products are sourced locally resulting in the town and businesses doing well. 30% of visitors spend in excess of \$500.00.

In Cairns, North Queensland, the Council wants Cairns to become the city where people want to come and live. They are achieving this goal by providing free music weekends, removing hire fees, waving DA fees [for certain things] plus having cultural infrastructure grants.

Dubbo – carried out surveys and found 99% of participants could see the values of a cultural centre - it took 30 years of activism to get the Culture Centre built. A very small group of people made the Cultural Centre an election issue by lobbying candidates prior to the election. A % of the special rate variation was used to help fund the Centre. Economic value of the cultural activities to the town are enormous - 458,546 visitors each spending an average of \$152.00 per person.

The Victorian Government used art to transform some small towns with populations of less than 1,500. A grant of \$350,000 was made available to these towns. This had a remarkable positive effect on these towns and the program is continuing. The grant was used to employ an artist and capital works designed by the artists.

The Queensland Government is using artists to set up a domestic violence programme. Domestic violence cost the economy \$13,600,000 in 2014. The artist made a play [video based] on real stories and reduced domestic violence considerably. The play was so confronting only female actors were used. The video is available on www.creativeregions.com.au.

Festivals & Regional Development In Rural Australia

Festivals play an important part in the visitor economy of rural Australia. The festivals usually focus on what the town is noted for. Some of the most successful festivals are run by a small group of people with a common goal eg Outback, Elvis, Ute Muster, locally Art in the Mill, and Opera in the Vineyard etc.

The panel pointed out these as the ingredients for success:

- A team of dedicated people;
- Success takes time;
- A clear vision for the purpose of the festival;
- The programme must include quality events;
- Very good photos needed of the event and the need for a team of photographers - some of the photos need to be taken in unique locations [these are used to sell the event], and photo documentary needed of the various artists in the event;
- A short 4 minute film to sell the event;
- The more groups that are engaged the more the event appeals eg youth, senior citizens, indigenous people and migrant groups;
- Above all it must be fun, fun, fun!

Deputy Premier Troy Grant MP announced several grants to Arts NSW during Artlands Dubbo.

Report of Committee No. 39 Cont...

Across Australia a number of Local Governments have seen the importance of Arts and the financial benefit to their Shires.

How did they achieve these benefits?

1. They had a cultural plan;
2. % of budget directed to the arts;
3. Public art with every major development;
4. Waving DA Fees [events];
5. Cultural Infrastructure grants;
6. % Special Rate Variation to arts;
7. 1% of capital works go to arts [no capital works – no public arts];
8. A “Cultural impact” included in Council reports under Council implications.

Take Aways From the Conference

- Tenterfield should start looking at building a modern cultural centre – it has taken other Shires 20+ years to achieve this.
- Also, if it financial practical, two (2) delegates should attend future conferences because of the timing and number of presentations, it is impossible for one (1) person to attend them all.

Cr Gary Verri
Board Member – Arts NorthWest

ATTACHMENTS

There are no attachments for this report.

(ITEM RC40/16) REPORTS OF COMMITTEES & DELEGATES - NSW PUBLIC LIBRARIES ASSOCIATION - NORTH EAST ZONE PUBLIC LIBRARIES ANNUAL GENERAL MEETING - 3 NOVEMBER 2016

REPORT BY: John Macnish, Councillor

As delegate for the NSW Public Libraries Association, Cr John Macnish attended the Annual General Meeting of the North East Zone Public Libraries in Coffs Harbour on Thursday, 3 November 2016.

RECOMMENDATION

That the report from NSW Public Libraries Association delegate Cr John Macnish be received and noted.

REPORT

I attended the North East Zone Public Libraries AGM and Ordinary meeting at the Coffs Harbour City Council Offices on Thursday, 3 November 2016. The main Office Bearers for the next year, elected unopposed, were Chair Councillor Bill Heazlett from Walcha and Secretary Chris Loner from Great Lakes Library.

Robert Knight from the State Library gave his report. The highlights being:

- Government increase of \$810,000 this current year to the State Library;
- \$2.3 million increase in 2017/18;
- \$5,000 grants for amalgamating Councils;
- Book loans down statewide but electronic loans including DVD's and educational materials up;
- Registered members of libraries don't always reflect the actual number of users.

The meeting looked at ways of increasing membership because falling numbers could easily result in lower government funding.

The guest speaker, Keith Baxter, Manager of Policy from the Office of Local Government gave a full and very comprehensive report on the development of the Joint Organisations (JO's) model. He has also been heavily involved in its implementation. These organisations provide a forum for Councils, agencies and others to work together to deliver results that matter to communities, the idea being to make it easier to initiate and manage important projects across traditional Council boundaries.

So far it has been piloted in five (5) regions with 84% participants declaring the trial a success. Our organisation, New England, consists of Tenterfield, Glen Innes, Armidale and Inverell.

A discussion lasting about 1 ½ hours took place with contributions being mainly made by elected members. The main concerns expressed were the possible end of ROC's which have their place and, if successful, JO's morphing into regional councils.

The staff of Coffs Harbour Library gave a detailed report on the proposed library/gallery project. I found the information on the community engagement phase and precinct analysis by their planning staff very interesting, however it is at least five (5) years away from the first sod being turned.

Report of Committee No. 40 Cont...

An informal discussion took place on Council amalgamations and the possible effects it may have on libraries. Each library then gave a report on their activities over the past four (4) months.

The meeting concluded at 5.55 pm.

Cr John Macnish
Delegate – NSW Public Libraries Association

ATTACHMENTS

There are no attachments for this report.

Department:	General Managers Office
Submitted by:	Councillor John Macnish
Reference:	ITEM NM14/16
Subject:	TENTERFIELD - TRANSFER FROM HUNTER NEW ENGLAND HEALTH SERVICE TO THE NORTH COAST AREA HEALTH SERVICE

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Click here to enter text.
Strategy:	Click here to enter text.
Action:	Click here to enter text.

SUMMARY

The purpose of this motion is to lobby our Local Member, The Hon Thomas George MP, to transfer the Tenterfield Health Service from the Hunter New England Health Service to the North Coast Area Health Service.

COUNCILLOR'S NOTICE OF MOTION:

That Council lobby the Hon Thomas George MP to strongly advocate that the Tenterfield Health Service be transferred from Hunter New England to the North Coast Area Health Service.

BACKGROUND

Over the October long weekend, the Tenterfield Hospital was without a doctor. One GP was away at a Course while another was visiting family in Brisbane. On a weekend with increased traffic, being in the middle of school holidays etc, Tenterfield was in a very vulnerable position. Fortunately there were no emergencies.

REPORT:

Tenterfield is closer to Lismore than any of the major centres of Hunter New England. From the last election, Tenterfield Shire is in the State Seat of Lismore, not Northern Tablelands, as it was previously. It should also be noted that Tenterfield Shire Council has the Urbenville Health Service being administered by the North Coast Area Health Service.

Many residents are referred to specialists in Lismore. Often further treatment is required involving hospital care. At the moment if a resident is taken to Tenterfield Hospital in an emergency situation, they are transferred to Armidale and if more serious, then on to Newcastle. Travel time to Lismore is a mere 2 hours while Armidale is 2^{1/2} and Newcastle at least 7. This causes enormous difficulties and cost for relatives.

All the difficulties with the current situation are painfully obvious. Lismore is much more accessible and if this transfer were to happen, it would be advantageous to all Tenterfield residents.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Notice of Motion No. 14 Cont...

2. Policy and Regulation

3. Financial (Annual Budget & LTFP)

4. Asset Management (AMS)

5. Workforce (WMS)

6. Legal and Risk Management

7. Performance Measures

8. Project Management

**John Macnish
Councillor**

Prepared by Councillor:

John Macnish, Councillor

Attachments:

There are no attachments for this report.

Department:	General Managers Office
Submitted by:	Councillor John Macnish
Reference:	ITEM NM15/16
Subject:	RECOGNITION OF FORMER COUNCILLOR PHIL YATES

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Click here to enter text.
Strategy:	Click here to enter text.
Action:	Click here to enter text.

SUMMARY

The purpose of this motion is to recognise the services of former Councillor Phil Yates.

COUNCILLOR'S NOTICE OF MOTION:

That Council recognise the services of former Councillor Phil Yates, presenting him with the appropriate certificate from the Local Government Association.

BACKGROUND

Former Councillor Phil Yates was first elected to Council in 1995, serving until 2006 when he resigned. He stood again in 2008, was elected and served until 2012 when he did not seek re-election due to personal issues. He served the community for 15 years, including several as Deputy Mayor.

REPORT:

Mr Yates was a passionate and vigorous Councillor, always striving to find better outcomes for the community. Working as an active Highway Patrol Officer when elected and retiring halfway through his Council term, Mr Yates served on all committees that had a roads, traffic, or law enforcement component.

Mr Yates put 100% into all his Council endeavours and took his role very seriously. It was an abomination that his efforts were not recognised by the last Council who awarded 3 retiring Councillors with medals and certificates, honouring their services, and ignoring Mr Yates.

I would like former Councillor Phil Yates to be awarded the appropriate certificate of service from the Local Government Association and this to be presented to him at morning tea by the Mayor at a future Council Meeting.

COUNCIL IMPLICATIONS:

- 1. Community Engagement / Communication (per engagement strategy)**
- 2. Policy and Regulation**
- 3. Financial (Annual Budget & LTFP)**

Notice of Motion No. 15 Cont...

4. Asset Management (AMS)

5. Workforce (WMS)

6. Legal and Risk Management

7. Performance Measures

8. Project Management

**John Macnish
Councillor**

Prepared by Councillor:

John Macnish, Councillor

Attachments:

There are no attachments for this report.

Department:	General Managers Office
Submitted by:	Cr Gary Verri
Reference:	ITEM NM16/16
Subject:	MINOR AMENDMENT TO LEP

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
Goal:	Click here to enter text.
Strategy:	Click here to enter text.
Action:	Click here to enter text.

SUMMARY

The purpose of this motion is to do a minor amendment to the Tenterfield LEP to amend the wording to the RU3 Development with Consent ruling, and correct an error in the zoning map.

COUNCILLOR'S NOTICE OF MOTION:

That Council:

(1) Amend the Tenterfield LEP RU3 Development with Consent ruling by:

- a) Deleting "Nil".**
- b) Inserting wording as per RU1.**

(2) Amend the zoning map by correcting the land zoning identified as per the attached map from RU3 to RU1 as the land in question is freehold title, not State Forest.

BACKGROUND

In July 2016 a ratepayer (a lessee) in connection to conversation with Forestry Corp, was informed that Tenterfield LEP did not allow erection of a dwelling on State Forest Land even though his land is a Perpetual Lease and he had previously built a house under DA with Tenterfield Council in 2002.

The lessee contacted the Chairman of Tenterfield NSW Farmers for assistance on this matter. When researching the matter it was discovered that not only was this correct but that 2 part portions of freehold land are incorrectly zoned as State Forest RU3. These parties met with Council staff on the two issues but nothing was able to be progressed as Council was about to go into caretaker mode.

REPORT:

- (1) There are quite a number of State Forests in the Tenterfield Shire. To exclude all activities that require Council consent from these lands is short-sighted due to preventing opportunities that may arise, is not reflective of historical use, and has detrimentally affected the rights of many Perpetual Lease holders.

There are a significant number of Perpetual Leases with State Forests dedicated over them in the Tenterfield Shire and are therefore zoned RU3. These landholders are ratepayers. Perpetual Leases are conferred exclusivity (see Attachment A), and many hold a right to erect a dwelling etc. State Forest dedication only bars conversion.

Notice of Motion No. 16 Cont...

By having a NIL in Development with Consent, results in the removal of the ability of the lessees to access their entitlements should they so wish. Development on these Leases also requires consent from Forestry Corp (Attachment B).

- (2) The freehold land comprising part portion 52 Bloxsome and part portion 36 Maclean were freeholded in 1997 but are mapped as State Forest on the LEP. These part portions were never dedicated State Forest but were Perpetual Leases with a Timber Reserve. The Timber Reserve was lifted by NSW State Government in 1996 and freeholding was finalised in July 1997. The LEP map needs to be corrected accordingly as RU3 zoning only allows activities authorised under the *Forestry Act 2012* which does not apply to freehold land.

COUNCIL IMPLICATIONS:**1. Community Engagement / Communication (per engagement strategy)**

The program to amend the LEP as proposed has not been identified as a strategy within Council's Community Strategic Plan. It has therefore not been included in Council's Annual Operational Plan, and no resourcing has been allocated in terms of staff time, or consultant costs, to cover the undertaking of a strategic planning amendment in this regard.

As actions for the Department have been set in line with community expectations arising from Council's current Community Strategic Plan (drafted through extensive community consultation across the Shire), and diversion of staff resources and time to undertake a strategic amendment to the LEP 2013 will result in existing deliverables not being met (which may include actions from the Annual Operational Plan, as well as meeting of statutory timeframes for development application assessment, and development monitoring, which will reflect on Council's statistics when measured at the close of the financial year statewide).

There has been no community consultation undertaken on the proposed amendment at present, and the proposal as put is likely to incur significant resource diversion from existing Operational Plan programs for the benefit of two (2) part lots. Furthermore, as Council has received no formal submissions through community consultation sessions or engagement undertaken for the current Community Strategic Plan, it is unclear the benefit that the proposal will have for all lease holders, as this has not been identified to date.

2. Policy and Regulation

- Tenterfield LEP 2013 RU3 Zoning.

The RU3 zoning is a 'Forestry' zoning, and is in place to protect the interests of forestry activities. The proposal to include provisions from RU1 zonings will effectively negate the provisions and protection of interests for the RU3 zone, rendering forestry dedicated lands developable to the level of primary production zonings, and potentially yielding financial benefit for those holding freehold leases over forestry zoned land.

Notice of Motion No. 16 Cont...

3. Financial (Annual Budget & LTFF)

The total costs associated with the proposed amendment will involve staff resourcing and costings that have not been accounted for in current budgets.

While the actual program is likely to run for up to, or exceeding twelve (12) months (including preparation of a Gateway Proposal for determination, as well as ongoing preparation of documentation and mapping for public exhibition, submission to the NSW Department of Planning & Environment, and any potential drafting of documentation to be presented to Parliamentary Counsel), total costs can only be estimated at this stage, and on the late notice presented by this proposal.

It is envisaged that total costed staff time will be in the order of approximately \$10,000.00 - \$15,000.00, as calculated by staff hours over the span of twelve (12) months (including external consultants to prepare required mapping data).

4. Asset Management (AMS)

Not applicable.

5. Workforce (WMS)

Not applicable.

6. Legal and Risk Management

Legal advice will be sought on the proposal on behalf of Council to assess the legality of the changes.

Risks associated with the proposal to include the inclusion of RU1 permissibility provisions to replace those currently included in the RU1 zone include potentially yielding the intent of the zone for forestry purposes void, through enabling development without prohibitions to a zone not originally intended for development of the kind usually seen in rural primary production settings.

Risks involved in the proposal to rezone two part land parcels for the benefit of leaseholders and/or owners includes Council carrying out strategic planning measures for the development (and potential financial) benefit of individuals. Should the individuals wish to pursue the rezoning there are options available for private Planning Proposals to be presented to Council, at the individual's cost.

Should Council support the proposal, a Planning Proposal will need to be presented to the Department of Planning & Environment through the Gateway Process. The Department of Planning & Environment will then identify the matters which are required to be addressed to progress the matter, or may decide to refuse the Planning Proposal.

7. Performance Measures

Existing deliverables through the Annual Operational Plan (relating to the Community Strategic Plan) will be affected by the proposal should it be adopted.

The deliverables through development assessment, including milestones and reportable timeframes may be affected by the proposal should it be adopted

Notice of Motion No. 16 Cont...

8. Project Management

The proposal deals with a major strategic planning project that has not been planned for. In terms of project management, the proposal has had no forecasting in the Annual Operational Plan (and has not been identified in the Community Strategic Plan) for:

- Project budget;
- Project planning;
- Project resource allocations
- Staff time allocations to program.

Implication and risk assessments, including those on external stakeholders and external government agencies.

Cr Gary Verri
Councillor

Prepared by Councillor:

Cr Gary Verri

Comments by Staff Member:

James Ruprai Director Strategic Planning &
Environmental Services

Attachments:

1	Attachments - Minor Amendment to LEP	6 Pages
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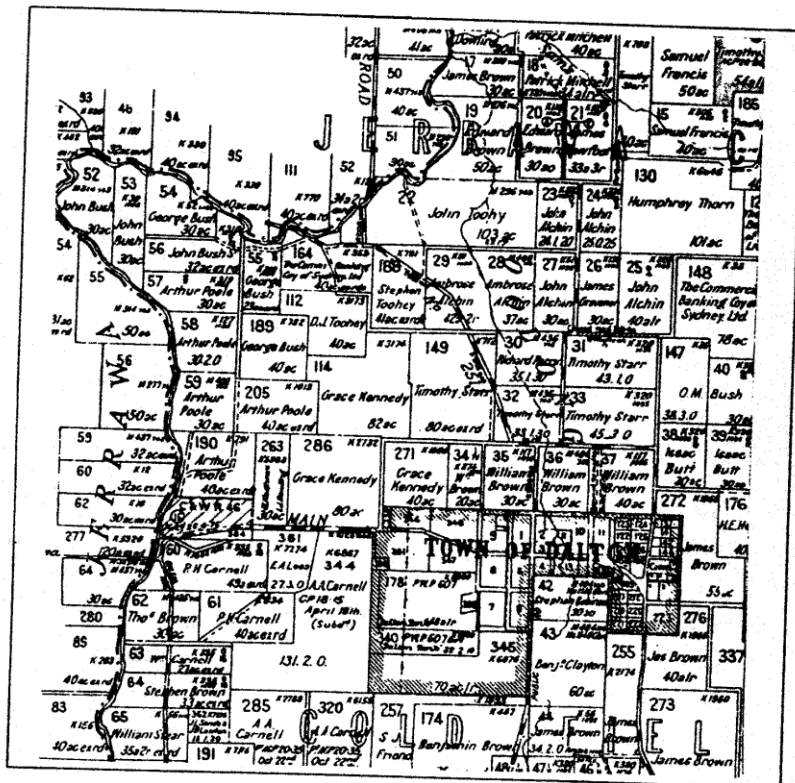
ATTACHMENT A PAGE 1



Department of Lands

Reform of N.S.W. Crown Land Laws

– Effects on existing Crown tenures



ATTACHMENT A PAGE 2

- The annual rate of interest payable on any debts (apart from rent) owing on land leased, is to be increased to a standard rate of 8% per annum, from commencement of the legislation.
- Rents for leases which are subject to periodic redetermination at intervals exceeding 5 years, are to be redeterminable at 5 yearly intervals, with provision for appeal to the local land board or the Land and Environment Court.

Conversion of leasehold lands to freehold

The State's interest in Crown land held under perpetual lease is limited. The concept of a "perpetual lease" was first introduced into N.S.W in 1894 in the form of a "homestead selection". Since then some 18 different forms of perpetual lease have been created. A perpetual lease confers on the holder a right to the exclusive possession of the land in perpetuity and has on many occasions been categorised as being "as good as freehold". All perpetual leases may be transferred, mortgaged, etc., as with freehold land, although in most cases dealings other than mortgages, can only be made with the Minister's consent.

Nearly all the holders of the 22,000 perpetual leases and the small number of term leases have a longstanding right to either purchase the freehold of their lease or to apply to purchase the freehold. Of this number 18,000 may purchase the land at the price set when the lease was first granted - some 20 to 100 years ago. As with the rent of leases not subject to redetermination, these prices represented a proper return to the State for the sale of the land at the time when they were set. However, the real value of this return has declined over the intervening years due to inflation and changes in land values.

From the commencement of the legislation, the old "fixed" price at which the land comprised in a lease could be purchased, will be adjusted in line with movements in the C.P.I., between the date of commencement of the legislation and the date of any application to purchase. This measure means that the holder of a lease who purchases the land in, say, 10 years time will pay a purchase price that is, in real terms, the same as the holder would pay if purchasing the land today.

ATTACHMENT 8

INFORMATION FOR HOLDERS OF CROWN LEASES OVER LAND DEDICATED AS STATE FOREST

Continuing use of the land

When land is dedicated as State forest a lessee is entitled to maintain existing cleared areas but the maintenance of such clearing requires Forestry Corporation NSW approval. Additional clearing is not permitted without Forestry Corporation NSW written permission. Forestry Corporation NSW recognises your legitimate right to continue grazing activities, including management practices that relate specifically to grazing, however you need to be aware that once land has been dedicated as State forest there are important restrictions on future use of the land. Dedication as State Forest creates a permanent bar to conversion of the lease to freehold.

Residence on State forest and construction of dwellings

For various reasons, in particular bush fire danger, Forestry Corporation NSW discourages the construction of dwellings on State forest. In certain circumstances, a dwelling may be approved if it is permitted under the lease and is a permitted use under the Local Environmental Plan of the Local Government Authority. Forestry Corporation NSW approval will be required for development approval and also for the specific location of the dwelling. The area chosen and approved must not be in a bush-fire prone position and due regard must be taken to bush fire hazard in the design of the dwelling.

It is absolutely essential that the approved location and other conditions are complied with. Other conditions will include the maximum area to be cleared. Forestry Corporation NSW will in addition seek a deed of release from the lessee for injury or damage from bush fire and an indemnity for third parties injured by fire in the dwelling.

In no circumstances will Forestry Corporation NSW approve multiple occupancy developments on State forest. Such developments are inconsistent with the dedication and represent an unacceptable level of bush fire risk.

Clearing restrictions and use of timber for lease improvements

You should pay particular attention to clearing restrictions. Although you have a right to take timber for purposes of improvements on the lease you should be aware that the right to take timber under Schedule 6 to the Crown Lands Continued Tenures Act 1989 clause (3)(c)(ii) is not a right to clear the land; this only authorises individual trees to be cut as necessary for timber purposes eg. Fencing, yards etc.

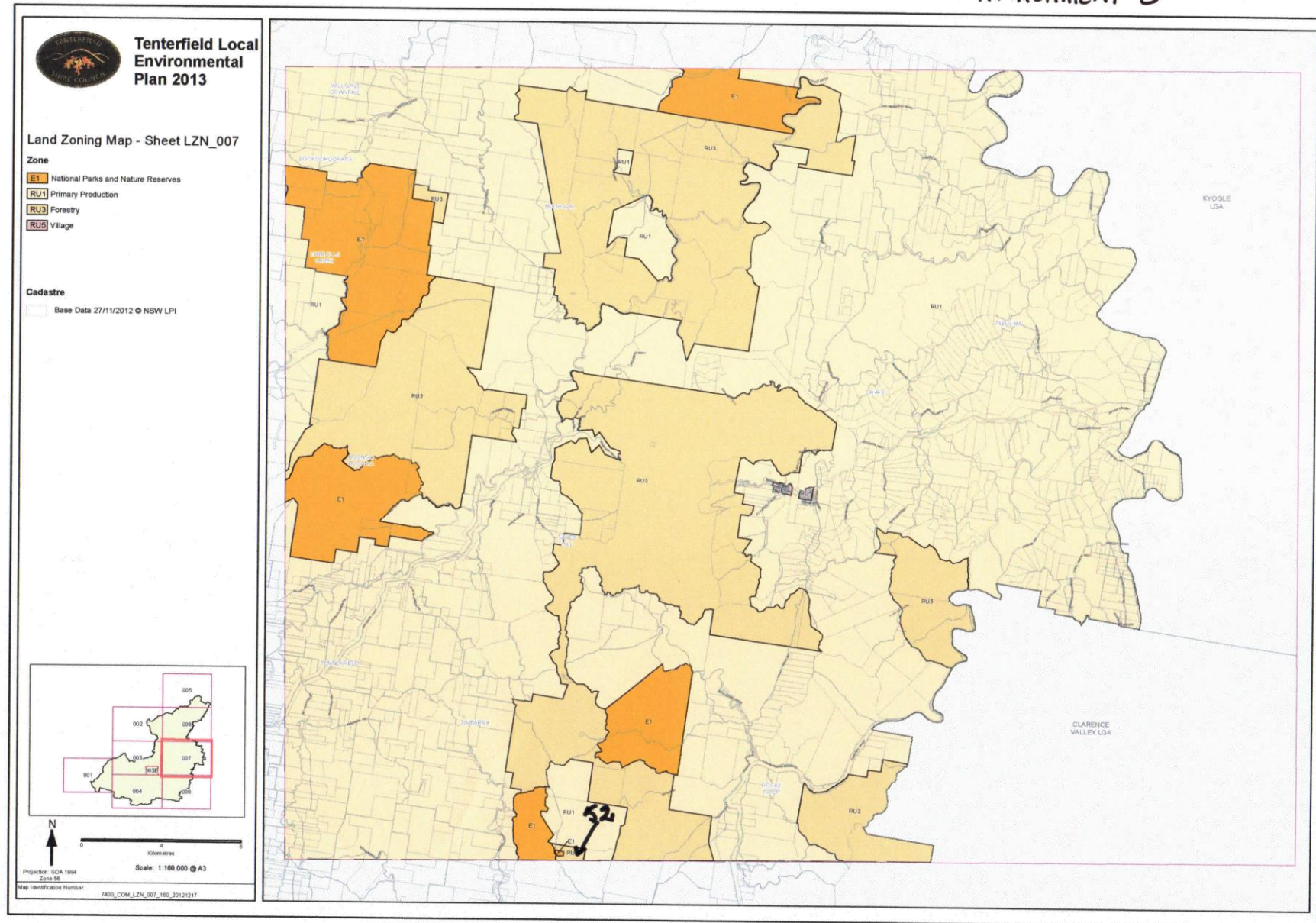
- Improvements by way of dams, fences and roads may only be constructed with the express permission of Forestry Corporation NSW.

Forestry Regulation 2012 cl.8(3)(e)

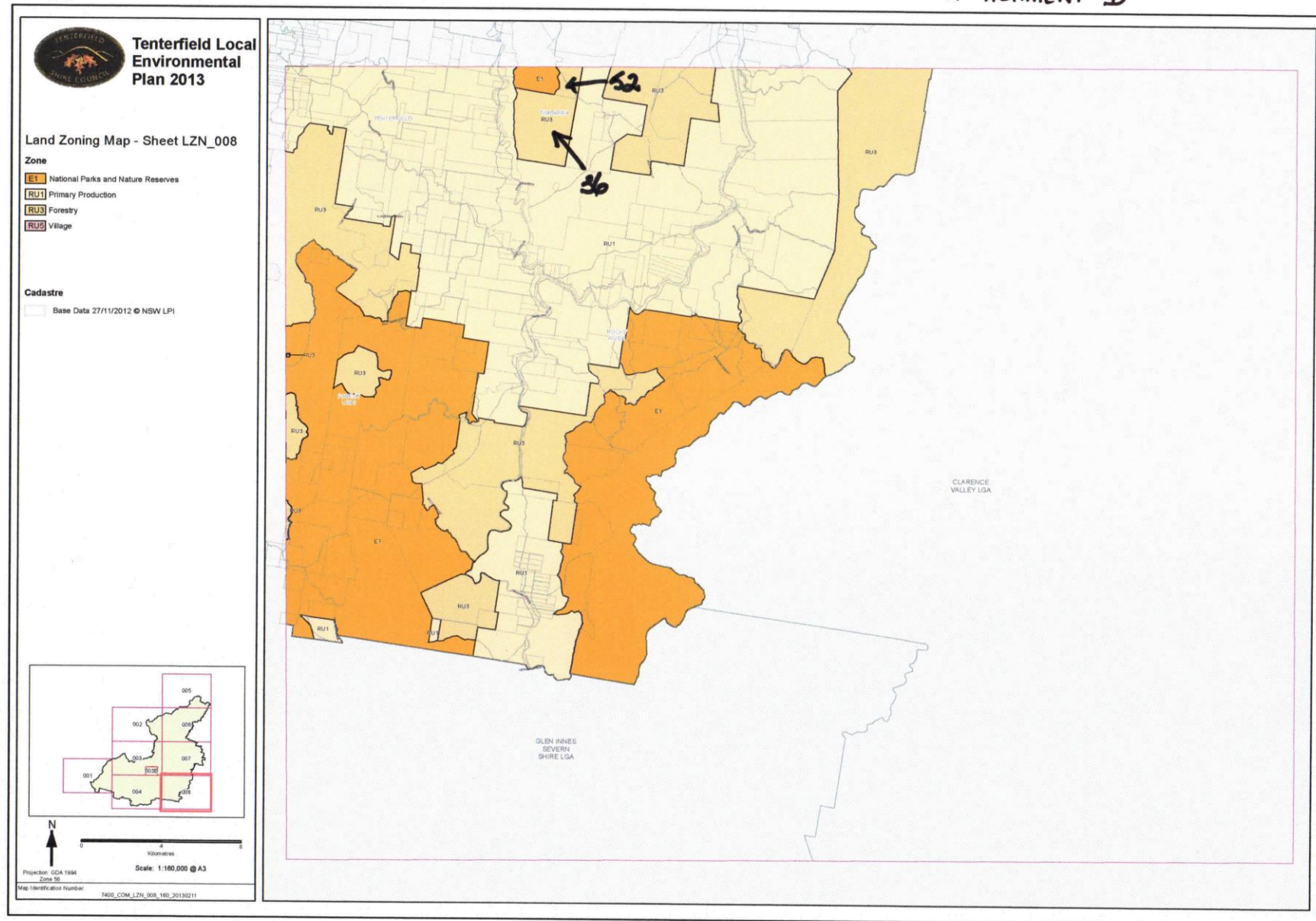
- You do not have the right to burn vegetation on the lease without Forestry Corporation NSW written permission. If you propose to burn at any time of year, you should apply to Forestry Corporation NSW.

Forestry Regulation cl 10

ATTACHMENT C



ATTACHMENT D



Tenterfield Local Environmental Plan 2013

Current version for 5 August 2016 to date (accessed 14 November 2016 at 21:44)

Land Use Table > Zone RU1

Zone RU1 Primary Production

1 Objectives of zone

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

2 Permitted without consent

Building identification signs; Environmental protection works; Extensive agriculture; Farm buildings; Forestry; Home-based child care; Home businesses; Home occupations; Home occupations (sex services); Intensive plant agriculture; Roads; Water supply systems

3 Permitted with consent

Dwelling houses; Extractive industries; Intensive livestock agriculture; Open cut mining; Roadside stalls; Any other development not specified in item 2 or 4

4 Prohibited

Nil

Department:	General Managers Office
Submitted by:	General Manager
Reference:	ITEM RES4/16
Subject:	COUNCIL RESOLUTION REGISTER - NOVEMBER 2016

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that outlines all resolutions of Council previously adopted and yet to be finalised.

OFFICER'S RECOMMENDATION:

That the Council Resolution Register to November 2016 be received and noted.

Damien Connor
General Manager

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media
Approved/Reviewed by Manager:	Damien Connor, General Manager
Department:	General Managers Office
Attachments:	1 Attachment 8 (Booklet 3) - Council Resolution Register to November 2016 17 Pages