



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER ORDINARY COUNCIL MEETING THURSDAY, 25 OCTOBER 2018

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 Chamber, on **Thursday, 25 October 2018** commencing at **9.30 am**.

Terry Dodds
Chief Executive

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

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7. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

8. COMMUNITY CONSULTATION (PUBLIC ACCESS)

Mr John Landers – Westpac Helicopter
Presentation to Council

9. MAYORAL MINUTE

10. RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

- ITEM COM20/18 – LEASING OF COUNCIL OWNED PROPERTIES
- ITEM ECO24/18 – DETAILED DESIGN AND DOCUMENTATION OF THE UPGRADE TO MT LINDESAY ROAD AT KOREELAH CREEK AND BIG HILL
- ECO25/18 – LIGHT VEHICLE SUPPLY AGREEMENT
- ECO26/18 – PROFESSIONAL SERVICES TENDER 10-17/18

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12. REPORTS OF DELEGATES & COMMITTEES

Nil.

13. NOTICES OF MOTION

Nil.

14. RESOLUTION REGISTER

(ITEM RES9/18) COUNCIL RESOLUTION REGISTER - OCTOBER 201874

15. CONFIDENTIAL BUSINESS

(ITEM COM20/18) LEASING OF COUNCIL OWNED PROPERTIES

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (f) of the Local Government Act, 1993, as the matter involves matters affecting the security of the Council, Councillors, Council staff or Council property.

(ITEM ECO24/18) DETAILED DESIGN AND DOCUMENTATION OF THE UPGRADE TO MT LINDESAY ROAD AT KOREELAH CREEK AND BIG HILL

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (a) (d(i)) (d(ii)) of the Local Government Act, 1993, as the matter involves personnel matters concerning particular individuals; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

(ITEM ECO25/18) LIGHT VEHICLE SUPPLY AGREEMENT

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d(i)) (d(ii)) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

(ITEM ECO26/18) PROFESSIONAL SERVICES TENDER 10- 17/18

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d(i)) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

16. MEETING CLOSED

CLOSED COUNCIL

Confidential Reports

(Section 10A(2) of The Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public.

The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals others than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the council, councillors, council staff or council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act provides that Council, or a Committee of the Council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10B(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act,) the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matters referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) The discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the Council or committee.

Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

(ITEM MIN3/18) CONFIRMATION OF PREVIOUS MINUTES

REPORT BY: Noelene Hyde, Executive Assistant & Media

RECOMMENDATION

That the Minutes of the following Meetings of Tenterfield Shire Council:

- **Extra Ordinary Council Meeting held on Wednesday, 26 September 2018**
- **Ordinary Council Meeting held on Wednesday, 26 September 2018**

as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

ATTACHMENTS

- | | | |
|----------|--|----------|
| 1 | Minutes - Extra Ordinary Council Meeting - 26 September 2018 | 7 Pages |
| 2 | Minutes - Ordinary Council Meeting 26 September 2018 | 14 Pages |

MINUTES



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF EXTRAORDINARY COUNCIL MEETING WEDNESDAY, 26 SEPTEMBER 2018

MINUTES OF THE **Extraordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 26 September 2018 commencing at 9.30 am.

ATTENDANCE

Councillor Peter Petty (Mayor)
Councillor Greg Sauer (Deputy Mayor)
Councillor Don Forbes
Councillor John Macnish
Councillor Brian Murray
Councillor Tom Peters
Councillor Bronwyn Petrie
Councillor Michael Petrie
Councillor Bob Rogan
Councillor Gary Verri

ALSO IN ATTENDANCE

Chief Executive (Terry Dodds)
Executive Assistant & Media (Noelene Hyde)
Chief Corporate Officer (Kylie Smith)
Chief Operating Officer (Andre Kompler)

Clause 254(b) of the Local Government (General) Regulation 2005 requires that the names of the mover and seconder of the motion or amendment are recorded and shown in the Minutes of the meeting.

WEBCASTING OF MEETING

I advise all present that this meeting is being recorded and streamed live and will then be available on Council's website for the purposes of broadening knowledge and participation in Council issues, and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

OPENING AND WELCOME

In opening the meeting, the Mayor noted the absence of Councillor John Macnish.

CIVIC 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.

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.

APOLOGIES

Nil.

PROCEDURAL MOTION

193/18 **Resolved** that the Meeting be held for 5 minutes to await the attendance of Councillor John Macnish.

(Gary Verri/Brian Murray)

Motion Carried

Councillor John Macnish entered the meeting, the time being 9.32 am.

The meeting resumed.

DISCLOSURE & DECLARATIONS OF INTEREST

Nil.

The Chair was vacated by Councillor Peter Petty and for the purposes of the election of Mayor and Deputy Mayor, Returning Officer Ms Kerri Swain assumed the position of Chair.

OPEN COUNCIL REPORTS

OUR GOVERNANCE

(ITEM GOV70/18) ELECTION OF THE MAYOR - 2018 TO 2020

SUMMARY

The purpose of this report is for Council to elect the Mayor for the proceeding term, being from September 2018 to September 2020.

Returning Officer Ms Kerri Swain advised that two (2) nominations were received for the position of Mayor, these being Councillor Peter Petty and Councillor Donald Forbes. Council will now need to determine the method voting.

194/18 **Resolved** that Council conduct the vote for Mayor by ordinary ballot.

(Peter Petty/Bronwyn Petrie)

Motion Carried

The ordinary ballot was conducted by Returning Officer Ms Kerri Swain with Executive Assistant & Media Ms Noelene Hyde as scrutineer.

The Returning Officer declared Councillor Peter Petty elected Mayor for the period 2018 to 2020. The vote being 6 – 4.

(ITEM GOV71/18) ELECTION OF DEPUTY MAYOR - 2018 TO 2019

SUMMARY

The purpose of this report is for Council to elect the Deputy Mayor for the proceeding term, being from September 2018 to September 2019.

Returning Officer Ms Kerri Swain advised that two (2) nominations were received for the position of Deputy Mayor, these being Councillor Bob Rogan and Councillor Greg Sauer. Council will now need to determine the method voting.

195/18 **Resolved** that Council conduct the vote for Deputy Mayor by ordinary ballot.

(Peter Petty/Tom Peters)

Motion Carried

The ordinary ballot was conducted by Returning Officer Ms Kerri Swain with Executive Assistant & Media Ms Noelene Hyde as scrutineer.

The Returning Officer declared Councillor Greg Sauer elected Deputy Mayor for the period 2018 to 2019. The vote being 7 – 3.

(ITEM GOV72/18) COUNCIL DELEGATES ON COMMITTEES, EXTERNAL BOARDS & ASSOCIATIONS

SUMMARY

The purpose of this report is to provide Council with the 2018-2019 Committee Register which outlines the specific purpose committees, external boards and organisations on which Council has representation. Councillor representation has been determined to coincide with the Council term so the 2018-2019 Committee Register serves as an update.

AMENDMENT

Addition of new item:

That existing Councillors stay by name, Mayor and Deputy Mayor by position, and fill any vacancies.

(Greg Sauer/John Macnish)

Amendment Carried

AMENDMENT

Addition of new item:

That Councillor representation on the new Tourism Advisory Committee be two (2) in addition to the Mayor.

(Gary Verri/Michael Petrie)

Amendment Carried

196/18 Resolved that:

- (1) Existing Councillors stay by name, Mayor and Deputy Mayor by position, and fill any vacancies;
- (2) Council adopt the inclusion of a new Specific Purpose Committee, being the Tourism Advisory Committee;
- (3) Councillor representation of the new Tourism Advisory Committee be two (2) in addition to the Mayor;
- (4) Council determine the representation on external bodies, specific purpose committees and other associations as listed below for the proceeding twelve (12) months;

	Representation	Delegate/s 2018-2019
Specific Purpose Committees		
Audit & Risk Committee	Mayor + 1 Councillor	Mayor, Cr Don Forbes
Donations Assessment Panel	Mayor + 3 Councillors + 1 Reserve Councillor	Mayor, Cr Michael Petrie, Cr John Macnish, Cr Bob Rogan and Cr Gary Verri as Reserve
Australia Day Awards Committee	Mayor + 3 Councillors + 1 Reserve Councillor	Mayor, Cr Don Forbes, Cr John Macnish, Deputy Mayor Greg Sauer, and Cr Gary Verri as Reserve
Sir Henry Parkes Memorial School of Arts Joint Management Committee	Mayor + 1 Councillor	Mayor, Deputy Mayor Greg Sauer
Tenterfield Saleyards Advisory Committee	Mayor + 2 Councillors	Mayor, Cr Don Forbes, Cr Michael Petrie
Aboriginal Advisory Committee	Mayor + 1 Councillor	Mayor, Cr Bronwyn Petrie
Heritage Advisory Committee	Mayor + 2 Councillors	Mayor, Cr Brian Murray, Cr

		Bronwyn Petrie
Anzac Centenary Steering Committee	Mayor + 1 Councillor	Mayor, Cr Don Forbes
Disability, Inclusion & Access Advisory Committee	1 Councillor + 1 Alt Councillor	Cr Don Forbes, Cr Bob Rogan (alt)
Parks, Gardens & Open Space Advisory Committee	2 Councillors	Deputy Mayor Greg Sauer, Cr Brian Murray
Arts & Culture Advisory Committee	2 Councillors	Cr Gary Verri, Cr Bronwyn Petrie
Tourism Advisory Committee	Mayor + 2 Councillors	Mayor, Cr Bob Rogan and Cr Gary Verri
Legume to Woodenbong Road – Key Stakeholders Group	Mayor + 1 Councillor	Mayor, Cr Gary Verri
External Boards, Committees & Organisations		
Country Mayors Association	Mayor	Mayor
Arts North West	Nil	Cr Verri – Board Member
Border Region Organisation of Councils (BROC)	Mayor + 1 Councillor	Mayor, Cr Brian Murray
Northern Inland Regional Waste	Mayor + 1 Councillor	Mayor, Cr Bob Rogan
North East Weight of Loads Group	1 Councillor	Cr Gary Verri
Local Health Advisory Committee	Mayor	Mayor
Tenterfield Shire Local Traffic Committee	Mayor + 2 Councillors	Mayor, Cr Gary Verri, Cr Tom Peters
Local Emergency Management Committee	Mayor + 1 Councillor	Mayor, Cr Michael Petrie
Bushfire Management Committee	1 Councillor	Cr Tom Peters
NSW RFS Service Level Agreement Liaison Committee	Mayor + 1 Councillor	Mayor, Cr Tom Peters
Australian Rural Roads Group	Nil	Mayor P Petty – Board Member
Tenterfield Liquor Accord	1 Councillor	Cr Don Forbes
NSW Public Libraries Association	1 Councillor	Cr John Macnish
Granite Borders Landcare Committee Inc	1 Councillor	Cr Bronwyn Petrie
Northern Tablelands Regional Weeds Committee	1 Councillor	Cr Tom Peters
Murray Darling Association	Mayor/and or Deputy Mayor + 1 Councillor	Mayor, Deputy Mayor and Cr Don Forbes
Tenterfield FM Radio Association	1 Councillor	Cr Tom Peters
Community Safety Precinct Committee	Mayor	Mayor
Southern Downs Regional Council Highway Taskforce Alliance	Mayor + 1 Councillor	Mayor, Cr Gary Verri
Bruxner Way Joint Committee	Mayor + 1 Councillor	Mayor, Cr Brian Murray
Joint Regional Planning Panels	Mayor, Deputy Mayor + 1 Councillor as alternative	Mayor, Deputy Mayor, Cr Bob Rogan (Alt)
National Timber Councils'	2 Councillors + 1 Councillor as alternative	Cr Bronwyn Petrie, Cr Michael Petrie + Cr Gary Verri (Alt)
Community Engagement Forums		
Our Society	Mayor + 3 Councillors	Mayor, Cr Greg Sauer, Cr Brian Murray, Cr John Macnish
Our Economy	Mayor + 3 Councillors	Mayor, Cr Bob Rogan, Cr Michael Petrie, Cr Greg Sauer
Our Environment	Mayor + 3 Councillors	Mayor, Cr Gary Verri, Cr Bronwyn Petrie, Cr Tom Peters

- (5) Council adopt the Committees Register 2018/2019 including updates to committee and external body representation.
- (6) Council endorse the timetable for the Community Engagement Forums as follows (subject to confirmation of venues):

Forum	Location	Date	Time
Our Society	Urbenville	3 December 2018	6.30 pm
Our Economy	Mingoola	4 December 2018	7:00 pm
Our Environment	Tenterfield	5 December 2018	6.30 pm
Our Society	Drake	3 June 2019	6.30 pm
Our Environment	Legume	4 June 2019	7:00 pm
Our Economy	Tenterfield	5 June 2019	6.30 pm

(Brian Murray/Greg Sauer)

Motion Carried

(ITEM GOV73/18) COUNCIL MEETING SCHEDULE - 2018/2019

SUMMARY

The purpose of this report is for Council to determine the dates and locations for Council Meetings for the next 12 months, being from October 2018 to September 2019.

AMENDMENT

Additional Item (4):

That Council investigate a trial period of three (3) months for Council Meetings at 6.30 pm following a report to Council, and following recommendations from a Council Workshop.

(Don Forbes/Michael Petrie)

Amendment Carried

197/18 Resolved that:

- (1) Ordinary Council Meetings be held in each month of the calendar year with the exception of January 2019;
- (2) Council Meetings be held on the fourth Wednesday of the meeting month commencing at 9.30 am, with the exception of December 2018 which will be held on the third Wednesday of the month; and
- (3) Ordinary Council Meetings be held each month at the Council Chambers in Tenterfield with the exception of February 2019 (Wallangarra /Jennings) and August 2019 (Bolivia); and
- (4) That Council investigate a trial period of three (3) months for Council Meetings at 6.30 pm following a report to Council, and following recommendations from a Council Workshop.

(Gary Verri/John Macnish)

Motion Carried

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 10.06 am.

.....
Councillor Peter Petty
Mayor/Chairperson

MINUTES



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 26 SEPTEMBER 2018

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chamber on Wednesday, 26 September 2018 commencing at 10.27 am.

ATTENDANCE

Councillor Peter Petty (Mayor)
Councillor Greg Sauer (Deputy Mayor)
Councillor Don Forbes
Councillor John Macnish
Councillor Brian Murray
Councillor Tom Peters
Councillor Bronwyn Petrie
Councillor Michael Petrie
Councillor Bob Rogan
Councillor Gary Verri

ALSO IN ATTENDANCE

Chief Executive (Terry Dodds)
Executive Assistant & Media (Noelene Hyde)
Chief Corporate Officer (Kylie Smith)
Chief Operating Officer (Andre Kompler)

Clause 254(b) of the Local Government (General) Regulation 2005 requires that the names of the mover and seconder of the motion or amendment are recorded and shown in the Minutes of the meeting.

WEBCASTING OF MEETING

I advise all present that this meeting is being recorded for placement on Council's website for the purposes of broadening knowledge and participation in Council issues, and demonstrating Council's commitment to openness and accountability.

All speakers must ensure their comments are relevant to the issue at hand and to refrain from making personal comments or criticisms or mentioning any private information.

No other persons are permitted to record the meeting, unless specifically authorised by Council to do so.

OPENING AND WELCOME

In opening the Meeting, Mayor Peter Petty expressed his personal thanks to Councillor Don Forbes for his assistance and support while in the role of Deputy Mayor.

CIVIC 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.

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.

APOLOGIES

Nil.

DISCLOSURE & DECLARATIONS OF INTEREST

Nil.

(ITEM MIN2/18) CONFIRMATION OF PREVIOUS MINUTES

198/18 Resolved that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting held on Wednesday, 22 August 2018

as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

(Bob Rogan/Greg Sauer)

Motion Carried

TABLING OF DOCUMENTS

- 199/18** **Resolved** that amended Attachment 8 (Attachment Booklet 2) – *Amendment to Tenterfield Development Control Plan 2014 – Chapter 8 – Signage & Outdoor Advertising* be tabled.

(Gary Verri/Tom Peters)

Motion Carried

URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

Nil

COMMUNITY CONSULTATION (PUBLIC ACCESS)

Item GOV65/18 - Monthly Operational Report – August 2018

- Heidi Ford, Property, Building & Landscape Coordinator addressed the following sections of the Monthly Operational Report:
 - Building & Amenities
 - Swimming Complex
- Mark Cooper, Open Space, Regulatory & Utilities Supervisor addressed the following sections of the Monthly Operational Report:
 - Livestock Saleyards
 - Environmental Management
 - Parks, Gardens and Open Space

MAYORAL MINUTE

Nil

**RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN THE
CONFIDENTIAL SECTION**

- 200/18** **Resolved** that the following reports be considered in the Confidential Section of the Meeting:

- Item COM17/18 – Sale of Service Station Freehold (159 Rouse Street, Tenterfield); and
- Item ECO22/18 – Casual Hire of Plant and Labor for 2018-2020 – Tender 09-17/18

(Greg Sauer/Michael Petrie)

Motion Carried

OPEN COUNCIL REPORTS

OUR COMMUNITY

(ITEM COM14/18) SUBMISSION OF PETITION - REQUEST REVIEW OF SECTION 64 & 7.11 (94) DEVELOPER CONTRIBUTIONS

SUMMARY

The purpose of this report is to advise Council of a petition submitted by Mr Calvin Grogan of Essential Building Design Services, with 12 other signatories, requesting that Council review the current Development Servicing Plans/Development Contributions levied on developers in Tenterfield Shire under Section 64 of the *NSW Local Government Act 1993*, and Sections 7.11 and 7.12 (formerly Section 94) of the *NSW Environmental Planning and Assessment Act 1979*.

201/18 **Resolved** that Council notes:

- (1) The receipt of a petition requesting a review be undertaken of the *NSW Local Government Act 1993, Section 64*, and the *NSW Environmental Planning and Assessment Act 1979, Section 7.11 and Section 7.12* developer contributions; and
- (2) Council's 2018/19 statutory review of the *NSW Local Government Act 1993, Section 64*, and the *NSW Environmental Planning and Assessment Act 1979, Section 7.11 and Section 7.12* developer contributions, will address the petitioners' request for a review of contributions.

(Greg Sauer/Bob Rogan)

Motion Carried

(ITEM COM15/18) LOCAL HERITAGE PLACE FUND 2018/19

SUMMARY

The purpose of this report is to provide a summary and recommendations on community applications made under the Local Heritage Fund Scheme for 2018/19 for maintenance and conservation works of heritage items, within heritage conservation areas and with the support of Council's Heritage Advisor.

202/18 **Resolved** that Council:

- (1) Endorses the offers of funding as detailed in the table below, and forwards letters of offer to the eligible applicants; and
- (2) Any funding not accepted, or not claimed by the claim date, be redistributed evenly amongst completed projects.

Property	Allocation
Tenterfield Swimming Pool	Project needs to be developed further in partnership with Council
164 Manners Street, Tenterfield	\$3,000
Former Uniting Church – 135 Logan Street, Tenterfield	Alternate funding received – State Funding \$100,000
Uniting Church Manse – 137 Logan Street, Tenterfield	\$2,000
St John The Baptist Anglican Church, Liston	\$3,000
170 High Street, Tenterfield	\$3,000
Torrington All Saints Church, 17 Lockwoods Lane, Torrington	\$2,760
130 Logan Street, Tenterfield	\$3,000
Old Council Chambers – 157 Manners Street, Tenterfield	\$321.00
104 Homestead Road, Tenterfield	\$2,000
Former Uniting Church – 8 Welch Street, Urbenville	\$2,000
Terminus Building – 52 Molesworth Street, Tenterfield	\$2,000
Keba – 17 Naas Street, Tenterfield	Alternate funding received – State Funding \$100,000
258 Rouse Street, Tenterfield	\$500
398 Rouse Street, Tenterfield	\$500
TOTAL	\$24,081

(Bronwyn Petrie/Brian Murray)

Motion Carried

Acting Manager HR & Workforce Development, Mr Barry Frew entered the meeting and addressed Council on the following item, the time being 11.17 am.

(ITEM COM16/18) PROPOSAL FOR EMERGENCY MANAGEMENT CENTRE GRANT

SUMMARY

The purpose of this report is to seek a council resolution to note and endorse the Infrastructure Grant funding application Emergency Preparedness, for the Emergency Management Centre; and to make note that an allocation of funding in the quarterly budget review will need to be made to support the application. This will assist in providing greater services to the community and the staff using the building.

203/18 Resolved that Council:

- (1) Endorse the Infrastructure Grant funding application *Emergency Preparedness, for the Emergency Management Centre* and;
- (2) Note an amendment of funding in the quarterly budget review.

(Greg Sauer/Gary Verri)

Motion Carried

Acting Manager HR & Workforce Development, Mr Barry Frew left the meeting, the time being 11.36 am.

Manager Finance & Technology, Mr Paul Della entered the meeting and addressed Council on the following item, the time being 11.37 am.

OUR ECONOMY

(ITEM ECO20/18) FINANCIAL ASSISTANCE GRANT CALCULATIONS - 2018/19

SUMMARY

The purpose of this report is to advise Council of correspondence from the Local Government Grants Commission explaining details of the grant calculations for 2018/19.

204/18 **Resolved** that Council:

- (1) Note this report;
- (2) Affirm in the correspondence Councils commitment to continue to Lobby for an increase in the quantum of the Federal Financial Assistance Grants to the equivalent of 1% of Commonwealth Taxation revenue.

(Michael Petrie/John Macnish)

Motion Carried

Manager Finance & Technology, Mr Paul Della left the meeting, the time being 11.38 am.

(ITEM ECO21/18) TENTERFIELD AERODROME REGRADING

SUMMARY

This report relates to a community initiated proposal to upgrade the Tenterfield Airstrip with regrading of the strip to meet current operating standards with either a grass or bitumen surface.

205/18 **Resolved:**

- (1) That Council note the report; and
- (2) Subject to no capital contribution by Council, Council pursue grant funding or partnering opportunities for the upgrading of the Tenterfield Airstrip and that such remain a grass strip runway.

(Bronwyn Petrie/Tom Peters)

Motion Carried

OUR ENVIRONMENT

(ITEM ENV18/18) DRINKING WATER QUALITY POLICY NO 2.162 - DRAFT

SUMMARY

The purpose of this report is to provide Council with information to consider a Draft Drinking Water Quality Policy. This policy is in line with the Australian Drinking Water Guidelines which have already been implemented.

206/18 **Resolved** that Council:

- (1) Place the draft Drinking Water Quality Policy No 2.162 on public exhibition for fourteen (14) days as required; and
- (2) Adopt the Drinking Water Quality Policy No 2.162 if no submissions are received.

(Bob Rogan/Michael Petrie)

Motion Carried

(ITEM ENV19/18) AMENDMENT TO TENTERFIELD DEVELOPMENT CONTROL PLAN 2014 - SIGNAGE & OUTDOOR ADVERTISING

SUMMARY

The purpose of this report is to seek Council's resolution to adopt the changes to Tenterfield Development Control Plan 2014 after the close of the public advertising period in accordance with Clause 21 of the *Environmental Planning & Assessment Regulation 2000*. No submissions were received and it is recommended that the amendments be adopted as exhibited as per Attachment 8 (Booklet 2).

Please note that in Attachment Booklet 2 (Attachment 8), the matters raised and resolved to be exhibited at Council's meeting of 27 June 2018 were inadvertently omitted. These matters, which allow for wall mounted flag signs, changes to corporate building signs and reference to Heritage Advisor advice were publicly advertised along with the remaining changes and no submissions received.

The updates, as recommended by Council, have now been included in red in the replacement Attachment 8 document now tabled.

Cr John Macnish left the meeting, the time being 11.58 am.

207/18 **Resolved** that Council:

- (1) Approves the amendments to the Advertising and Signage Chapter of Tenterfield Development Control Plan 2014 as it was publicly exhibited and identified in the amended Attachment 8 as tabled; and
- (2) Gives public notice of its decision in the local newspaper within 28 days after the decision is made.

(Bronwyn Petrie/Brian Murray)

Motion Carried

Property, Building & Landscape Coordinator, Ms Heidi Ford entered the meeting and addressed Council on the following item, the time being 11.59 am.

Cr John Macnish returned to the meeting, the time being 12 noon.

(ITEM ENV20/18) PROPOSED MINGOOLA RURAL FIRE SERVICE STATION

SUMMARY

The purpose of this report is to provide Council with the current land position for the proposed Mingoola Rural Fire Service Station.

- 208/18** **Resolved** that Council resolve to delegate authority to the Chief Executive to obtain the required land within the Travelling Stock Route (TSR32548) at Mingoola (as per site diagram) for the purpose of constructing a Rural Fire Service Station and become the Crown Land Manager of that land.

(Bronwyn Petrie/Greg Sauer)

Motion Carried

Property, Building & Landscape Coordinator, Ms Heidi Ford left the meeting, the time being 12.02 pm.

OUR GOVERNANCE

(ITEM GOV65/18) MONTHLY OPERATIONAL REPORT - AUGUST 2018

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2018/2019 Operational Plan.

Cr Brian Murray left the meeting, the time being 12.09 pm.

Cr Brian Murray returned to the meeting, the time being 12.12 pm.

- 209/18** **Resolved** that Council receives and notes the status of the Monthly Operational Report for August 2018.

(Brian Murray/Michael Petrie)

Motion Carried

SUSPENSION OF STANDING ORDERS

- 210/18** **Resolved** that Standing Orders be suspended.

(Bob Rogan/Brian Murray)

Motion Carried

The Meeting adjourned for lunch, the time being 12.45 pm.

The Meeting reconvened with the same members present and the addition of Manager Finance & Technology, Mr Paul Della, the time being 1.31 pm.

RESUMPTION OF STANDING ORDERS

211/18 **Resolved** that Standing Orders be resumed.

(Greg Sauer/Brian Murray)

Motion Carried

(ITEM GOV66/18) LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2018 - SUBMISSION OF MOTION UNDER DELEGATED AUTHORITY

SUMMARY

The purpose of this report is for Council to note a late motion relating to timber bridge funding lodged under delegated authority to the 2018 Local Government NSW Annual Conference.

212/18 **Resolved** that Council receive and note the following late motion that has been submitted to Local Government NSW for inclusion in the 2018 Annual Conference Business Paper:

That Local Government NSW lobby the NSW Government to modify the present application process for infrastructure grants in favour of direct grants to Councils using a similar formula to the Federal Government Assistance Grants (FAGS).

(Gary Verri/Michael Petrie)

Motion Carried

(ITEM GOV67/18) FINANCE & ACCOUNTS - PERIOD ENDED 31 AUGUST 2018

SUMMARY

The purpose of this report is for the Responsible Accounting Officer to provide, in accordance with Clause 212 of the Local Government (General) Regulation 2005, 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.

213/18 **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 31 August 2018.

(Bronwyn Petrie/Bob Rogan)

Motion Carried

(ITEM GOV68/18) CAPITAL EXPENDITURE REPORT AS AT 31 AUGUST 2018

SUMMARY

The purpose of this report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This report outlines Council's financial progress against each project.

- 214/18** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 31 August 2018.

(Greg Sauer/Tom Peters)

Motion Carried

(ITEM GOV69/18) 2017/18 FINANCIAL STATEMENTS TO BE REFERRED FOR AUDIT

SUMMARY

The purpose of this report is to comply with statutory requirements in relation to the General Purpose Financial Statements and Special Purpose Financial Statements for the year ended 30 June 2018. The Financial Statements are to be referred to Council's Auditor, with authorisation from the Mayor, a Councillor, the Chief Executive Officer and the Responsible Accounting Officer.

A revised copy of the 2017/18 Financial Statements was provided to Councillors and this copy will be placed on the Council website.

- 215/18** **Resolved:**

- (1) That, in relation to the Financial Statements and in accordance with Section 413(2)(c) of the Local Government Act 1993 (as amended):
 - a) Council resolves that in its opinion the General Purpose Financial Statements and the Special Purpose Financial Statements for the year ended 30 June 2018 and Special Schedules are properly drawn up in accordance with the provisions of the Local Government Act 1993, (as amended) and the Regulations there under.
 - b) That the Financial Statements be approved and signed by the Mayor the Deputy Mayor, the Chief Executive Officer and the Responsible Accounting Officer.
- (2) That the Financial Statements be referred to Council's Auditor for audit.
- (3) That the audited Financial Statements be forwarded to the Office of Local Government by 31 October 2018.
- (4) That the Chief Executive Officer be delegated authority to, after Council receives a copy of the Audited Financial Statements and Auditor's report, place the Audited Financial Statements on public exhibition from Friday, 2 November 2018 and that notice be given that Council will present its Audited Financial Statements at the Ordinary Council Meeting to be held on 28 November 2018.

- (5) That the audited Financial Statements be presented at the meeting of Council to be held on 28 November 2018 in accordance with Section 419(1) of the Local Government Act 1993 (as amended).

(Gary Verri/Bob Rogan)

Motion Carried

Manager Finance & Technology, Mr Paul Della left the meeting, the time being 1.59 pm.

REPORTS OF DELEGATES & COMMITTEES

(ITEM RC22/18) REPORT OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION CONFERENCE & ANNUAL GENERAL MEETING - 29 TO 31 AUGUST 2018

SUMMARY

The Murray Darling National Conference and Annual General Meeting was held in Leeton from 29 to 31 August 2018 and was attended by Deputy Mayor Don Forbes.

- 216/18** **Resolved** that Councillor Don Forbes' report of the 74th Murray Darling Association Conference and Annual General Meeting be received and noted.

(Donald Forbes/Bronwyn Petrie)

Motion Carried

(ITEM RC23/18) REPORTS OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE - 30 AUGUST 2018

SUMMARY

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 30 August 2018.

- 217/18** **Resolved** that the report and actions from the Tenterfield Shire Local Traffic Committee meeting of 30 August 2018 be received and noted.

(Peter Petty/Gary Verri)

Motion Carried

(ITEM NM7/18) NOTICE OF MOTION - DROUGHT PROOFING FARM WATER

SUMMARY

The purpose of this Notice of Motion is, through advocacy, to secure Landcare funding for sustainable farm water supplies.

Cr Michael Petrie left the meeting and did not return, the time being 2.22 pm.

- 218/18** **Resolved** that Council writes to the Hon Barnaby Joyce MP asking him to advocate on behalf of farm businesses to direct Landcare funding for 2019/2020 and 2020/2021 to assist in building secure water supplies for domestic use and stock.

(Gary Verri/Greg Sauer)

Motion Carried

(ITEM RES8/18) COUNCIL RESOLUTION REGISTER - SEPTEMBER 2018

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.

- 219/18** **Resolved** that Council notes the status of the Council Resolution Register to September 2018.

(Bob Rogan/Brian Murray)

Motion Carried

CONFIDENTIAL BUSINESS – SUSPENSION OF STANDING ORDERS

- 220/18** **Resolved** that Standing Orders be suspended and:

- a) the meeting be closed to the public and members of the press because of the need for confidentiality, privilege or security, as specified below and provided for under Section 10A(2) of the Local Government Act, 1993; and
- b) the Agenda and associated correspondence, unless specified are not to be released to the Public as they relate to a matter of either personal hardship, personal matters, trade secrets or matters which cannot be lawfully disclosed.

(Brian Murray/Greg Sauer)

Motion Carried

The doors were closed to the public, the recording device turned off and the Meeting moved into Closed Committee, the time being 2.30 pm.

(ITEM COM17/18) SALE OF SERVICE STATION FREEHOLD (159 ROUSE STREET, TENTERFIELD)

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d(iii)) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret.

SUMMARY

The purpose of this report is to update Council regarding items in past resolutions have been actioned and that the freehold land of 159 Rouse Street, Tenterfield upon which the service station is operated, will be sold by way of public auction.

221/18 Resolved that Council:

- (1) Resolve to proceed with the sale of the freehold land at 159 Rouse Street, Tenterfield (Lot 10 in DP1241545) by way of public auction in accordance with Clause 12.1.2 of the Variation of Lease registered number AN204012E; and
- (2) Delegate the authority to the Chief Executive to negotiate with any potential purchaser once the reserve price as agreed in the Confidential part of the Ordinary Council meeting held on 26 September 2018 is achieved and execute a Contract for Sale and Transfer upon the successful sale of the land; and
- (3) Authorise the Seal of Tenterfield Shire Council to be affixed to the contract between Tenterfield Shire Council and the successful purchaser.

(Bronwyn Petrie/Tom Peters)

Motion Carried

**(ITEM ECO22/18) CASUAL HIRE OF PLANT AND LABOUR FOR 2018-2020
TENDER 09-17/18**

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (c) (d(i)) of the Local Government Act, 1993, as the matter involves information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

SUMMARY

The purpose of this report is to provide Council with a report and recommendation on the tender evaluation associated with the Casual Hire of Plant and Labour for 2018-2020 - Tender 09-17/18.

222/18 Resolved that Council accept all submitted tenders as a panel of preferred suppliers for Casual Hire of Plant and Labour.

(Brian Murray/Bob Rogan)

Motion Carried

RESUMPTION OF STANDING ORDERS

223/18 Resolved that Standing Orders be resumed.

(Tom Peters/Gary Verri)

Motion Carried

The Meeting moved out of Closed Committee, the doors were opened to the public and the recording device switched on, the time being 3.19 pm.

In accordance with Section 253 of Local Government Regulations (General) 2005, the Mayor read the resolution as resolved by Council whilst in Closed Committee.

MEETING CLOSED

There being no further business the Mayor declared the meeting closed at 3.20 pm.

.....
Councillor Peter Petty
Mayor/Chairperson

Department:	Office of the Chief Executive
Submitted by:	Executive Assistant & Media
Reference:	ITEM COM18/18
Subject:	2019 AUSTRALIA DAY AWARDS

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Community - COMM 4 - The community is welcoming, friendly, and inclusive where diverse backgrounds are respected and celebrated.
CSP Strategy:	The individual unique qualities and strong sense of local identity of Tenterfield Shires towns and villages is respected, recognised and promoted.
CSP Delivery Program:	Promote the liveability of Tenterfield Shire as a place to live, work and invest.

SUMMARY

The purpose of this report is for Council to endorse arrangements for judging of Australia Day Awards as per Council's Australia Day Awards Policy adopted 28 March 2018.

OFFICER'S RECOMMENDATION:

That Council endorses:

(1) The calling of nominations for 2019 Australia Day Awards in the following categories:

- **Citizen of the Year;**
- **Young Citizen of the Year;**
- **Emergency Services Volunteer of the Year;**
- **Sportsperson of the Year;**
- **Young Sportsperson of the Year;**
- **Community Event of the Year.**

(2) That nominations for the 2019 Australia Day Awards open Monday, 29 October 2018 and close at COB on Friday, 14 December 2018.

(3) That judging by the Australia Day Selection Panel to be undertaken in the Council Chamber at 10.00 am on Thursday, 3 January 2019.

BACKGROUND

From November to December 2018, Council will be calling for nominations for the 2019 Australia Day Awards in the following categories:

- Citizen of the Year
- Young Citizen of the Year
- Emergency Services Volunteer of the Year
- Sportsperson of the Year
- Young Sportsperson of the Year
- Community Event of the Year

Our Community No. 18 Cont...

These Awards recognize outstanding contributions to the local community and/or sports during 2018 and are the focal point of the celebrations to be held on Australia Day, which is Saturday, 26 January 2019.

REPORT:

Nominations for Australia Day 2019 have been open on the Council website since April 2018. Despite numerous advertisements and articles in "Your Local News" and promotion in the Tenterfield Star, the take up has been extremely poor – 1 nomination for Community Event of the Year.

It is intended to do a mail out to all community groups and associations in an attempt to elicit some interest.

The current Selection Panel for judging of the Australia Day Awards comprises Mayor Peter Petty, Deputy Mayor Greg Sauer, Councillor Don Forbes and Councillor John Macnish with Councillor Gary Verri as reserve.

The closing date for nominations will be Friday, 14 December 2018. Copies of all nominations which meet the criteria will be provided to members of the Selection Panel prior to the Christmas closedown period.

It is suggested that the Selection Panel meet at 10.00 am on Thursday, 3 January 2018.

Councillors are reminded that the nominations and judging outcome remains confidential and that Award winners are not announced until the ceremony on Australia Day.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

- Council's Australia Day Awards Policy 1.016

3. Financial (Annual Budget & LTFP)

Nil. Budgeted item.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Our Community No. 18 Cont...

Terry Dodds
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Executive
Submitted by:	Manager Economic Development & Community Engagement
Reference:	ITEM COM19/18
Subject:	TENTERFIELD SHIRE NATIONAL MONUMENT PROJECT

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Community - COMM 1 - Tenterfield Shire is a vibrant, welcoming and safe community.
CSP Strategy:	Develop major cultural and community events and festivals in partnership with the community and other stakeholders.
CSP Delivery Program	Enrich the community by supporting a variety of diverse cultural events and activities.

SUMMARY

The purpose of this report is for Council to note a budget adjustment to facilitate a workshop to assist Council to compete for significant grant funding opportunities for *The Tenterfield National Monument Recovery Project*.

This Project aspires to restore the face of Tenterfield to a standard befitting its historic role in the Federation of Australia and the forging of our national values through leadership by notable local heroes during the Boer War and World War I.

OFFICER'S RECOMMENDATION:

That Council resolve to facilitate a workshop for Councillors and community members to assist with the planning (concept) phase of the Tenterfield National Monument Project noting a possible future budget adjustment of approximately \$8,000.00.

BACKGROUND

The Tenterfield National Monument Project and the creation of the National Monument Hub, is a project of very significant proportion and has developed from discussions with community members and Councillors.

It has the potential to be a major tourism economic activator for our region. The outcomes of this Project will create employment, within the construction industry initially, but then more significantly, it will underpin economic activity across many sectors in perpetuity.

The restoration and revitalisation of the Tenterfield Central Business District (CBD) is quite an aspirational project which will result in economic growth for the town and region and supplement a vision much heralded over a great period of time.

REPORT:

The objective of this workshop is to collect information, view the project, assess the viability, and generate a report that will inform the Tenterfield Shire Council of the processes that will see the Tenterfield National Monument Recovery Project to a **shovel ready** stage.

Tenterfield Shire currently has many financial hurdles to overcome (bridges, waste and water filtration to name the main ones).

Our Community No. 19 Cont...

This project is not about altering the priorities that are underpinned by the need to provide basic infrastructure, but rather to allow council to harvest external grant funding opportunities as they arise.

By undertaking this process, Tenterfield Shire Council will be in a stronger position to apply for grant funds as they become available, as almost always, the words "shovel ready" are used when Government assesses grant applications.

This Project aspires to restore the face of the town centre and will provide an authentic physical context for the ongoing communication of the true stories of our history, and create a National Monument Hub. This National Monument Recovery Project and Hub will be a **regionally and nationally iconic tourism activation project and precinct.**

Most of the town's architectural fabric is intact, except for the removal of its verandas to comply with a NSW Government edict, issued in the 1960's, that sought to make the opening of car doors easier.

This Project proposes to restore the verandas on all the buildings in the town centre, restoring and revitalising them for the enjoyment and ongoing enlightenment of local residence, regional, interstate and international visitors. It will provide a memorable immersive experience using the town itself as an authentic cultural artefact.

The visitor experience will comprise a journey along the main street (Rouse Street) and its original main street (High Street). The journey will be anchored at its southern end by the School of Arts precinct, which was restored to commemorate the Centenary of Federation in 2001. At the northern end, a new Tenterfield National Monument Hub will provide exhibition facilities and open spaces that tell the town's stories regarding the formation of the nation and its values.

It is proposed the National Monument Hub will feature three (3) museum pavilions themed around the Pioneering Town Era (1870-1886), Border/Customs Town Era (1886-1901) and Federation Era (1901-1914), the relocated and restored JF Thomas house and garden, a retail space and a cafe.

The expected outcome of the Tenterfield National Monument Project, including the restoration of verandas in the main street and the National Monument Hub, is a dramatic increase in overnight visitation to Tenterfield, an increase in the cultural offering for locals and visitors, an increase in local employment, as well as the creation of a regionally and nationally iconic tourism precinct.

For many years many people, Councillors included, have discussed what a drawcard Tenterfield could be. This project aims to corral thoughts, visions and dreams into something more finite such that as a community we can aim for an agreed outcome.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

It is recommended that select members of the community be invited to participate in the workshop.

This project has been discussed at various community meetings in different forms, including early discussions relating to the current street scape project and

Our Community No. 19 Cont...

ANZAC Centenary Committee. More recently, Mr Robert Perry presented part of this concept to Council for information.

With the proposed Heavy Vehicle By-Pass, there have been many discussions regarding what potential could be leveraged from our architectural heritage, changes to streetscape, stories about Federation pioneers and heroes, and the fact that Tenterfield still represents an authentic feel.

The initial street beautification was borne from those initial discussions and has been extremely well accepted by locals and visitors.

2. Policy and Regulation

The Project isn't necessarily shaded by policy or regulation but would come under the umbrella of multiple committees.

3. Financial (Annual Budget & LTFP)

Currently there are funds available in the main street reserve funds that can be accessed for this project; to develop the *concept* only.

It is highly unlikely at this point in time that the general rate revenue could or should be used. The Project at this stage isn't about bricks and mortar, it's about concept development only with an estimated cost of \$8,000.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Terry Dodds
Chief Executive

Prepared by staff member:	Harry Bolton, Manager Economic Development & Community Engagement
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Operating Officer
Submitted by:	Engineering Officer (Part-time)
Reference:	ITEM ECO23/18
Subject:	UNNAMED RIGHT OF CARRIAGEWAY OFF MOLE RIVER ROAD

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Transport - TRSP 15 - We have an effective interconnected transport system that is safe, efficient and affordable for us as a community.
CSP Strategy:	We have a well-designed and functioning road network suitable for all users now and take into consideration future network consumption and demand.
CSP Delivery Program	Asset Planning, Policy and Management provide strategic direction and information to Council enabling the sustainable management of its asset portfolio as a whole.

SUMMARY

The purpose of this report is to commence the next step in the road naming process to name a Right of Carriageway (ROC) off Mole River Road, Mole River, located approximately 200m south-east from Gibraltar Road that services several properties. In accordance with Geographical Names Board (GNB) guidelines this private road is identified as a "Lane".

OFFICER'S RECOMMENDATION:

That Council:

- (1) Adopts the name "Stone Lane" as the name of this unnamed lane.**
- (2) Advertises the adopted road name of "Stone Lane" and commence gazettal process of the same.**
- (3) Installs signposting stating the road name of "Stone Lane" but also "No Through Road", and "Council does not maintain this road" at this location.**

BACKGROUND

Council at its 25 July 2018 Ordinary meeting resolved (Resolution 149/18):

That Council:

- (1) Endorse the name "Stone Lane" as the name of this unnamed lane for the purposes of commencing formal public consultation.*
- (2) Advertise the proposed road name of "Stone Lane" allowing 28 days for public response to Council's intention to name the road and commence gazettal process of the same unless advised of more appropriate names which:*
 - (a) relate to the cultural and or historical significance of the location and;*
 - (b) are consistent with the NSW Geographical Names Board guidelines.*

Our Economy No. 23 Cont...

- (3) *Bring a report back to Council on public consultation results with final recommendation for name adoption and subsequent gazettal and signposting stating not only the road name but also "No Through Road", and "Council does not maintain this road."*

REPORT:

As stated previously, correspondence from a property owner that uses the ROC was received by Council requesting the ROC be named and identified for use by emergency services and utilities.

As per Council Report ENG 34/15 dated 28 October 2015, Council as the Road Authority must adhere to the procedure outlined in the *NSW Roads Regulation 2008* when naming a public or private road. In NSW, the Geographical Names Board (GNB) must be notified of all road naming proposals. The naming of roads in NSW is standardised to ensure that the process is transparent and easy to understand for regulatory bodies and members of the community.

A consistent approach to road naming benefits emergency services, transport and goods and service delivery and provides opportunities for community consultation when determining road names. In this regard, the attached NSW Addressing User Manual outlines the GNB policy, principles, processes and procedures for addressing.

The main objective of naming this "un-named Right of Carriageway" off Mole River Road is to:

- Facilitate prompt responses by emergency services such as the Police, Ambulance and Fire Brigade;
- Facilitate efficient delivery of services such as those offered by Telstra and Essential Energy;
- Comply with the Australian Standard AS/NZ 4819:2011 Rural and Urban Addressing.

The GNB guidelines suggest the following rules/criteria be applied when naming a road:

- Name duplication within a local government area should be avoided. If possible duplication of names in proximity to adjacent local government areas should also be avoided.
- Roads crossing local government boundaries should have a single and unique name.
- Names should be appropriate to the physical, historical or cultural character of the area concerned.

Preferred sources for road names include:

- Aboriginal names;
- Local history;
- Early explorers, pioneers, settlers and other eminent persons;
- War/casualty lists;
- Thematic names such as flora or fauna,

Our Economy No. 23 Cont...

The approvals process for road naming under the Roads Act 1993 and as detailed in the NSW Addressing Manual endorsed by GNB requires;

1. Council to endorse a proposed road name followed by,
2. Advertising the proposed road name allowing a submission period of 28 days followed by,
3. A decision of Council to accept the proposed name. Followed by advertising of the road name followed by Gazettal. Once gazetted, the lane can be signposted.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

To-date, property owners that use this right of carriageway were originally consulted by way of letter requesting to submit suggestions to Council for proposed Lane names.

The following submissions were received from property owners who use this lane:

Suggested Road Name	Reason
Gibraltar Lane	Resident advised that many parts of this road have a magnificent view of Gibraltar Rock
Stone	Resident suggested name Joseph Lawrence Stone born in 1888 in Tenterfield and Robert Eagles Stone born in 1891 in Tenterfield were brothers who served in World War I.
Tuckum Tellebudgera Wiandook Murrumbong Colly Myall Marango	Mountain view Good fishing spot Up the river Good Water Wild Mountain

Council's Engineering Officer liaised with the Geographical Names Board (GNB) who checked the lane names against parameters such as duplication, relevance etc.

Following review of all names received from residents for Council consideration, Stone Lane met the GNB road naming guidelines, however there is a Gibraltar Road and a Gibraltar Station Road within the 50 km vicinity of this ROC therefore Gibraltar Lane could not be used.

The NSW Addressing User Manual under 6.7.5 *Acceptable Road Names* advises – Aboriginal names shall be in a local language chosen in consultation with the Local Aboriginal Land Council. The suggested names were not in a local language chosen in consultation with the Local Aboriginal Land Council and could not be used. Further investigation carried out with the local RSL confirmed that there were in fact three (3) brothers Horace John, Joseph Lawrence and Robert Eagles Stone all of whom served in World War I.

Our Economy No. 23 Cont...

In accordance with the attached extract from the GNB road naming guidelines and as shown in the attached Process AP1: Road Naming/Renaming – Local Government, Council's Engineering Officer has completed steps AP1.1 and AP1.2. Following the initial in-house endorsement from Council, AP1.4 *consultation with Public and Authorities has now occurred*.

Council advertised the proposed name of "Stone Lane" in Council's "Your Local News" August Edition and on Council's Website seeking written submissions on the proposed name up until 24 September 2018. The proposal was also submitted through the GNB online naming system which automatically sends the proposal to the necessary authorities, with no submissions received. Previously, Council's Engineering Officer also phoned the three (3) residents who put in submissions for the road names advising of the proposed name of "Stone Lane". The residents offered no objections to this proposed name.

2. Policy and Regulation

The Comprehensive Property Addressing System has established a framework for NSW to achieve streamlined and standardised approach to address management. This is in line with the GNB NSW Address Policy.

3. Financial (Annual Budget & LTFP)

Cost of advertising, supply and installation of the signposts. Gazettal of the road name will be undertaken by the Spatial Services as part of the Online Road Naming System.

4. Asset Management (AMS)

Nil. This Right of Carriageway does not meet requirements of the Road Network Asset Management Plan. A signpost will be installed stating that Council does not maintain this road.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

The main objective of naming this "Un-named Right of Carriageway" off Mole River Road is to:

- Facilitate prompt responses by emergency services such as the Police, Ambulance and Fire Brigade;
- Facilitate efficient delivery of services such as those offered by Telstra and Essential Energy;
- Comply with the Australian Standard AS/NZ 4819:2011 Rural and Urban Addressing.

7. Performance Measures

Nil.

8. Project Management

Nil.

Andre Kompler
Chief Operating Officer

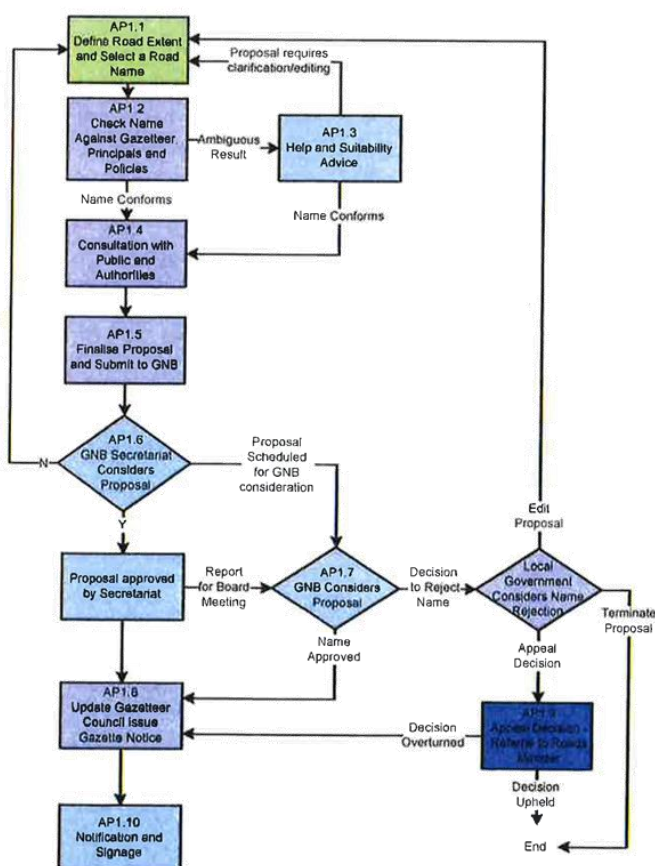
Our Economy No. 23 Cont...

Prepared by staff member: Jessica Gibbins, Engineering Officer (Part-time)
Approved/Reviewed by Manager: Andre Kompler, Chief Operating Officer
Department: Office of the Chief Operating Officer
Attachments: **1** Extract - Geographical Names Board 1
- Process AP1: Road Page
Naming/Renaming - Local
Government

Process AP1: Road Naming/Renaming – Local Government

Overview	A road naming, renaming or pre-approval proposal can be generated by the public via service authorities or Local Government.
Procedures that inform this Process	Spatial Services has developed an online road naming system for assisting the Local Government with the process for developing, checking, submitting, approving and registering a road name. Application information can be found on the GNB website. Procedures 7.1 - Consultation Procedures 7.2 - Notifications Procedures 7.3 - Pre-Approvals Procedures 7.4 - Signage
Responsibilities	Local Government GNB Spatial Services
Workflow	AP1 Road Naming/Renaming - Local Government

AP1 Road Naming/Renaming - Local Government



Department:	Office of the Chief Corporate Officer
Submitted by:	Senior Planner
Reference:	ITEM ENV21/18
Subject:	SHORT TERM RENTAL ACCOMMODATION IN NSW - EXHIBITION

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
CSP Goal:	Environment - ENVO 9 - Our natural environment will be protected, enhanced and promoted for future generations.
CSP Strategy:	Land use planning provisions support and promote sustainable land use and management in the Shire.
CSP Delivery Program	Provision of advice and guidance on legislative compliance for the construction of dwellings and commercial/industrial buildings.

SUMMARY

The purpose of this report is to recommend to Council that a submission by way of support be forwarded to the NSW Department of Planning in relation to the current public exhibition of proposed amendments to planning rules to provide for short term rental accommodation (STRA) in NSW (formerly known as short-term holiday letting).

OFFICER'S RECOMMENDATION:

That Council lodge a submission in support of the exhibited proposed changes to the NSW Planning System to enact the planning framework announced in the NSW Government Policy on Short Term Rental Accommodation.

BACKGROUND

At its meeting of 27 September 2017, Council considered a report on the Options Paper for "Short Term Holiday Letting in NSW." The Paper explored approaches to implement a whole of Government framework, addressing land use and planning concerns, strata managed buildings and the amenity of existing residents in relation to short-term holiday lettings.

Council resolved:

Resolved that Council lodge a submission to the Short-term Holiday Letting in NSW Options Paper, identifying the options, in order of preference, as;

1. *Planning regulation – with broader exemptions in regional areas and incorporated into the State Environmental Planning Policy (Exempt and Complying Development Codes);*
2. *Registration – registration through NSW Fair Trading;*
3. *Industry self-regulation;*
4. *Strata regulation.*

REPORT:

The proposed amendments will introduce state-wide planning rules, including a new land use definition, exempt and complying development pathways and building safety standards. The amendments reflect Council's preferred options as resolved at its meeting of 27 September 2017.

Our Environment No. 21 Cont...

A copy of the Explanation and Intended Effect is included at Attachment 1 (Booklet 1). Submissions will be accepted up until 16 November 2018.

The Department of Planning and Environment is proposing amendments to introduce the state-wide planning framework for STRA. Proposed amendments include:

1. The introduction of a land use definition and permissibility for 'short-term rental accommodation'

It is proposed to define STRA as:

"the commercial use of an existing dwelling, either wholly or partially, for the purposes of short-term accommodation, but does not include tourist and visitor accommodation."

This indicative definition is intended to enable the use of a dwelling for STRA as a part of its residential use where:

- the dwelling is permissible with consent in the zone
- no physical alterations or additions would be made to accommodate the STRA use, and
- the dwelling has a current development consent or existing use rights for its use as a dwelling

2. The introduction of exempt and complying development criteria for STRA which will include a maximum number of days that STRA can operate in a calendar year.

Table 1: Development pathways available to STRA in state planning framework

Development Pathway	Criteria	Period
Exempt development	<ul style="list-style-type: none"> • Host present on site overnight 	Year round
	<ul style="list-style-type: none"> • Host <i>not</i> present, and • Property is not in Greater Sydney¹ • Property is not on bushfire prone land 	365 days per year Councils will be able to set the number of days from 180 days to 365 days.
	<ul style="list-style-type: none"> • Host <i>not</i> present, and • Property is in Greater Sydney • Property is not on bushfire prone land 	180 days per year
Complying development	<ul style="list-style-type: none"> • Property is on bushfire prone land • Host <i>not</i> present, and • Property is not in Greater Sydney 	365 days per year Councils will be able to set the number of days, from 180 to 365 days.
	<ul style="list-style-type: none"> • Property is on bushfire prone land • Host <i>not</i> present, and • Property is in Greater Sydney 	180 days per year

Under the policy, STRA will be permissible in areas outside Greater Sydney for 365 days per year. However, councils outside of Greater Sydney will have the option to reduce the number of days STRA can occur from 365 days, when the host is not present to no lower than 180 days, based on local needs.

Our Environment No. 21 Cont...

Councils seeking to reduce the number of days are invited to provide an expression of interest to the Department of Planning and Environment within 8 weeks of the exhibition commencing. In Tenterfield LGA it is not recommended that any variation to the 365 day limit be made at this stage and as such, the per annum state-wide policy will apply. Should this arise as an issue in to the future, Council will have an option to reconsider this limit through a LEP amendment, however not reduce the number of days below 180.

- 3. Allowing councils outside Greater Sydney to set the number of days that a dwelling can be used for STRA without development consent or with a complying development certificate, to no lower than 180 days per year, to meet the needs of their communities, and**
- 4. The introduction of minimum fire safety and evacuation requirements for premises used for STRA.**

The Building Code of Australia does not provide any specific requirements for STRA, however safety in existing dwellings is an important consideration. In this regard, the following minimum fire safety and evacuation requirements are proposed;

Table 2: Proposed safety requirements applying to dwellings used for STRA

Dwelling type	Recommended standard
All dwellings	<ul style="list-style-type: none"> No more than 2 persons/bedroom or 12 persons, whichever is the lesser Installation of smoke alarms in each bedroom, and the smoke alarms are interconnected where there is more than one alarm. Installation of a lighting system in hallways that is activated by the smoke alarm system.
Dwellings in multi-unit buildings only (Dwellings in Class 2 and 4 buildings)	<ul style="list-style-type: none"> Entry doors should be openable from inside the dwelling without a key Installation of a self-closing device and smoke seals to all edges of the door, if the door opens onto a shared corridor and entrance doorway. Installation of a fire extinguisher and fire blanket in the kitchen. Making an Evacuation Plan, displaying 'evacuation signage' and familiarising guests with exit system.
Standalone dwellings only (Class 1a buildings)	<ul style="list-style-type: none"> Installation of heat alarms in single dwellings which are located above a garage. This would be required only where the garage is not accessible to the guest/s.

It is also proposed that dwellings will not be able to be let for STRA to unrelated parties at one time. Related parties would include families, partners, friends and/or colleagues.

Noise and amenity impacts

Council and NSW Police have powers, under the Protection of the Environment Operations Act (POEO) and other legislation, to respond to complaints about disturbances from activities in a dwelling. The Department of Planning and Environment will provide information to councils, industry and the local community on the application of these powers.

Our Environment No. 21 Cont...

Mandatory Code of Conduct

A new mandatory Code of Conduct for online platforms (AirBnB etc), managing agents, hosts and guests will be developed in consultation with industry and relevant stakeholders. This Code will include provisions to resolve complaints about STRA, including anti-social behaviour, that is readily accessible to hosts, guests and impacted third parties, such as neighbours. Department of Finance, Services and Innovation administers oversight of the Code, as well as enforcement powers in relation to implementation by industry and platforms, will provide direct levers to ensure that the proposed measures are implemented effectively.

Transitional Arrangements

Once made, the proposed amendments to the Standard Instrument Order and Codes SEPP will mean the state-wide planning framework for STRA will automatically apply to all councils in NSW, including those with existing provisions.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Council is not required to undertake any targeted exhibition of the document, however a link has been provided to the State Governments website for interested members of the community.

2. Policy and Regulation

- If the proposed amendments are adopted, amendments will be made to State Environmental Planning Policy (Exempt and Complying Development) which have the effect of overriding Tenterfield LEP 2013 provisions. No changes will be required to be made to Tenterfield LEP 2013.

3. Financial (Annual Budget & LTFP)

No implications.

4. Asset Management (AMS)

No implications.

5. Workforce (WMS)

No implications.

6. Legal and Risk Management

No implications.

7. Performance Measures

No implications.

8. Project Management

No implications.

Kylie Smith
Chief Corporate Officer

Our Environment No. 21 Cont...

Prepared by staff member:	Tamai Davidson, Senior Planner	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	1 Attachment 1 (Booklet 1) - Explanation of Intended Effect - Short-term Rental Accommodation Planning Framework	19 Pages

Department:	Office of the Chief Executive
Submitted by:	Mayor Peter Petty
Reference:	ITEM GOV74/18
Subject:	CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW 2017/18 - ANNUAL REVIEW - OCTOBER 2018

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is an employer of choice in the region, providing sound leadership and supported by a committed workforce.
CSP Delivery Program	Developing attraction and retention practices across Council.

SUMMARY

The purpose of this report is to bring forward the recommendation of the Council Committee regarding the 2017/18 Performance Review and Annual Review of Council's Chief Executive Mr Terry Dodds.

MAYOR'S RECOMMENDATION:

That Council:

(1) Note the Mayor's Report, Confidential Attachment, and support the findings of the Committee on the Chief Executive's high level of performance for the 12 month period to October 2018, and endorse the three (3) specific priorities for the Chief Executive in the next review period:

- **Align the Asset Management Plan with the Long Term Financial Plan;**
- **Explore opportunities for Treasury Loans; and**
- **Continue the staff culture improvements including an employee engagement survey and 360 degree reviews for the leadership team and managers.**

(2) Having regard for the high level of performance of the Chief Executive, award a 2.5% increase in the Chief Executive's Total Remuneration Package effective from his anniversary of service being 16 October 2018 in accordance with Clause 8.3 of the contract of employment.

BACKGROUND

The Chief Executive, Mr Terry Dodds, commenced in the role on 16 October 2017. An Induction Workshop was held on Thursday, 16 November 2017 and the outcomes of the Workshop were built into the Chief Executive's Performance Agreement for the 2017/18 performance review period.

REPORT:

With the 12 month period of service occurring in October 2018, the Councillors met in Workshop on Thursday, 11 October 2018 to review the performance of the Chief

Our Governance No. 74 Cont...

Executive and it was also noted that the review was effectively a review of performance of the organization as well as the governing body in partnership with the Chief Executive and staff.

The Workshop was assisted by Mr Stephen Blackadder of Blackadder Associates Pty Ltd as an independent facilitator.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil.

2. Policy and Regulation

Nil.

3. Financial (Annual Budget & LTFP)

Contractual obligations recognized within existing budget and Long Term Financial Plan.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Ongoing contractual management as per Senior Officers' Contract.

7. Performance Measures

As summarized in recommendation and confidential attachment.

8. Project Management

Nil.

Peter Petty
Mayor

Prepared by staff member:

Department:

Attachments:

Peter Petty, Mayor

Office of the Chief Executive

Attachment 7 (Confidential Attachment Booklet
4)

Department:	Office of the Chief Executive
Submitted by:	Executive Assistant & Media
Reference:	ITEM GOV75/18
Subject:	MONTHLY OPERATIONAL REPORT - SEPTEMBER 2018

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 12 - We are a well engaged community that is actively involved in decision making processes and informed about services and activities.
CSP Strategy:	Council's decision making processes are open, accountable and based on sound integrated planning.
CSP Delivery Program	Promote and support community involvement in Council decision making process.

SUMMARY

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2018/2019 Operational Plan.

OFFICER'S RECOMMENDATION:

That Council receives and notes the status of the Monthly Operational Report for September 2018.

Terry Dodds
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media	
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive	
Department:	Office of the Chief Executive	
Attachments:	1 Attachment 3 (Booklet 2) - Monthly Operational Plan - September 2018	153 Pages

Department:	Office of the Chief Executive
Submitted by:	Executive Assistant & Media
Reference:	ITEM GOV76/18
Subject:	DISCLOSURE OF INTEREST RETURNS 2017/2018

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council fosters a strong organisational culture which strives for best practice in all operations with a supportive corporate governance framework.
CSP Delivery Program:	Ensure compliance with regulatory and statutory requirements and that operations are supported by effective corporate management.

SUMMARY

The purpose of this report is to document the tabling of the Disclosure of Interest Returns for the period 2017/2018.

OFFICER'S RECOMMENDATION:

That Council note the tabling of the Disclosure of Interest Returns for the period 2017/2018 and lodged by 30 September 2018.

BACKGROUND

In accordance with Section 450A(2) of the Local Government Act 1993, the General Manager must table the Disclosure of Interest Returns lodged by 30 September 2017.

REPORT:

In accordance with this requirement, the Disclosure of Interest Returns will be tabled at the October 2018 Ordinary Council Meeting.

Disclosure of Interest Returns received for:

- Councillors 10
- Council Staff Members 23 Ordinary – 7 Primary
- Nil outstanding although 7 Returns were received after 30 September 2018

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)
Nil.

2. Policy and Regulation
• Local Government Act 1993

3. Financial (Annual Budget & LTFP)
Nil.

4. Asset Management (AMS)
Nil.

Our Governance No. 76 Cont...

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Terry Dodds
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Executive
Submitted by:	Executive Assistant & Media
Reference:	ITEM GOV77/18
Subject:	CHRISTMAS/NEW YEAR CLOSEDOWN - 2018/2019

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is an employer of choice in the region, providing sound leadership and supported by a committed workforce.
CSP Delivery Program:	Developing attraction and retention practices across Council.

SUMMARY

The purpose of this report is to advise Council of proposed Christmas/New Year close down arrangements for Council staff.

OFFICER'S RECOMMENDATION:

That Council endorse the closedown periods for the Christmas/New Year 2018/2019 period as follows:

- **Indoor staff – close of business Friday, 21 December 2018, reopening Wednesday, 2 January 2019;**
- **Outdoor staff – close of business Thursday, 20 December 2018, reopening Monday, 7 January 2019.**

BACKGROUND

Traditionally, Council has closed the Administration Office and Library for the period between Christmas and New Year to enable staff to spend this important time with family.

As per Council's Work Closedown Policy, outdoor staff are required to take ten (10 days) annual leave (excluding public holidays and RDO's) at this time to ensure that the majority of staff are available throughout the year to undertake planned works.

REPORT:

The closedown for the Administration Office and Library for 2018/2019 is from close of business Friday, 21 December 2018, reopening Wednesday, 2 January 2019.

Gazetted public holidays during this period are Tuesday, 25 December 2018 (Christmas Day), Wednesday, 26 December 2018 (Boxing Day) and Tuesday, 1 January 2019 (New Year's Day) with staff taking annual leave and RDO's to make up the additional four (4) days.

Closedown for outdoor staff is from close of business Thursday, 20 December 2018 (Friday 21 December being an RDO) to Monday, 7 January 2019.

Our Governance No. 77 Cont...

Details in relation to arrangements for waste services and emergency contacts during the Christmas closedown period will be provided to Councillors and will be advertised in local media and available on Council's website.

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Closedown arrangements and emergency contacts (including waste services) for the period will be advertised through "Your Local News", local media and available on Council's website and phone message.

2. Policy and Regulation

- Work Closedown Policy – No. 4.231

3. Financial (Annual Budget & LTFP)

Nil.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

It will be necessary for some staff to work through the closedown period to provide for emergencies, waste services, etc.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Terry Dodds
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Corporate Officer
Submitted by:	Chief Corporate Officer
Reference:	ITEM GOV78/18
Subject:	REQUEST FOR FINANCIAL ASSISTANCE FOR LEGAL COSTS ASSOCIATED WITH THE APPEAL OF LAND & ENVIRONMENT COURT RATING CATEGORISATION DECISION - CITY OF SYDNEY COUNCIL, NORTH SYDNEY COUNCIL AND BAYSIDE CITY COUNCIL

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
CSP Goal:	Leadership - LEAD 12 - We are a well engaged community that is actively involved in decision making processes and informed about services and activities.
CSP Strategy:	We partner with the community, business and Federal and State Government in the achievement of our goals.
CSP Delivery Program	Maintain strong relationships with all levels of Government and proactively seek involvement in decision making impacting our Shire and the New England Northwest Region.

SUMMARY

Written request to Council, from Local Government NSW, for assistance with legal costs incurred by councils in respect of an appeal of the Land and Environment Court's decision in Karimbla Properties v Council of the City of Sydney; Bayside City Council and North Sydney Council [2017] NSWLEC 75.

OFFICER'S RECOMMENDATION:

That Council consider the application for financial assistance and (make/do not make) a payment to the value of \$1,716.75 as per invoice issued by Local Government NSW in accordance with LGNSW Legal Assistance Policy and Guidelines (November 2015).

BACKGROUND

By way of background, the case concerns the interpretation of section 516 (1) (a) of the Local Government Act 1993, being the categorisation of ratable land as "residential".

The Land and Environment Court held that land, on which development for the purposes of a residential development was being carried out in accordance with a development consent, is to be categorised as "residential", even though building construction was not complete and occupation certificates for use of buildings for residential accommodation had not been granted. The Court also found that Karimbla Properties are entitled to refunds of any rates paid for the land as a result the land being categorised by the councils as "business".

REPORT:

The request has been made by Local Government NSW and as such should be considered by Council to form a view on the payment of the attached invoice. Whilst the amount is not considerable, the question as to the impact of the court ruling and Council's citizenship of Local Government NSW. The support to City of Sydney, Bayside City Council and North Sydney Council as members of the Association needs to be considered despite the differing capacity to fund such challenges in the first instance.

Our Governance No. 78 Cont...

COUNCIL IMPLICATIONS:

1. Community Engagement / Communication (per engagement strategy)

Nil

2. Policy and Regulation

- Local Government Act 1993
- Local Government (General) Regulation 2005

3. Financial (Annual Budget & LTFP)

Requested financial assistance is \$1,716.75 it should be noted that the terms of the invoice are 30 days however Council can exercise its option not to pay the invoice in accordance with LGNSW Legal Assistance Policy and Guidelines (November 2015) as attached. Clause 7 states that "Contributions are entirely voluntary and no council is under any obligation to make a contribution in any instance".

4. Asset Management (AMS)

Nil

5. Workforce (WMS)

Nil

6. Legal and Risk Management

The LGNSW Board considered that this case is of importance to local government throughout NSW and as such Tenterfield Shire Council will use the determination by the Court to apply rates and charges. The impact on our operations will be small given the differing levels and type of development undertaken in the LGA at this time.

7. Performance Measures

Nil

8. Project Management

Nil

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Kylie Smith, Chief Corporate Officer	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	1 LGNSW Letter and Invoice 2 Legal Assistance Policy & Guidelines (November 2015)	3 Pages 2 Pages

Ordinary Council - 25 October 2018
REQUEST FOR FINANCIAL ASSISTANCE FOR LEGAL
COSTS ASSOCIATED WITH THE APPEAL OF LAND &
ENVIRONMENT COURT RATING CATEGORISATION
DECISION - CITY OF SYDNEY COUNCIL, NORTH
SYDNEY COUNCIL AND BAYSIDE CITY COUNCIL

Attachment 1
LGNSW Letter and
Invoice



Our File Ref: R17/0031
Further contact: Jessica Wood, Legal Officer: 9242 4125

7 September 2018

Chief Executive
Mr Terry Dodds
Tenterfield Shire Council
PO Box 214
TENTERFIELD NSW 2372

Dear Mr Dodds

Request for financial assistance for legal costs associated with the appeal of Land and Environment Court rating categorisation decision – City of Sydney Council, North Sydney Council and Bayside City Council

We are writing to request your assistance with legal costs incurred by the above councils in respect of an appeal of the Land and Environment Court's decision in *Karimbla Properties v Council of the City of Sydney, Bayside City Council and North Sydney Council* [2017] NSWLEC 75. The judgement can be viewed on the Land and Environment Court's website.

On 6 October 2017, the Board of LGNSW resolved to approve applications for legal assistance made by the City of Sydney Council and Bayside Council in accordance with the *LGNSW Legal Assistance Policy and Guidelines (November 2015)*, which is available at <https://www.lgnsw.org.au/financial-assistance-uploads/127/legal-assistance-policy-guidelines-november-2015.pdf>. On 9 February 2018, the Board approved an application for legal assistance made by North Sydney Council.

The LGNSW Board considered that this case is of importance to local government throughout NSW.

By way of background, the case concerns the interpretation of section 516 (1) (a) of the *Local Government Act 1993*, being the categorisation of ratable land as "residential". The Land and Environment Court held that land, on which development for the purposes of a residential development was being carried out in accordance with a development consent, is to be categorised as "residential", even though building construction was not complete and occupation certificates for use of buildings for residential accommodation had not been granted. The Court also found that Karimbla Properties are entitled to refunds of any rates paid for the land as a result the land being categorised by the councils as "business".

The three councils appealed the Land and Environment Court's decision. The Court of Appeal heard the matter in late July and has reserved its decision. Judgement is expected later in the year.

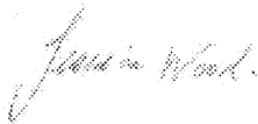
LOCAL GOVERNMENT NSW
GPO BOX 7001 SYDNEY NSW 2001
LR 28 MARGARET ST SYDNEY NSW 2000
T 02 9242 4000 F 02 9242 4111
LGNSW.ORG.AU LGNSW@LGNSW.ORG.AU
ABN 48 653 813 882

TENTERFIELD SHIRE COUNCIL	
Dm/T	
13 SEP 2018	
100.0013 7096	
CL	
ECO	
DOE	
EA	✓

Our request for assistance is detailed in the attached invoice. There is no obligation on Council to provide financial assistance. If Council chooses not to provide assistance, the invoice may be disregarded.

Please contact me on (02) 9242 4125 if you would like to discuss this matter.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Jessica Wood'.

Jessica Wood
Legal Officer



ABN: 49 853 913 882
GPO Box 7003 SYDNEY NSW 2000
Level 8 28 Margaret Street SYDNEY NSW 2000
Tel: (02) 9242 4000 Fax (02) 9242 4111
www.lgnsw.org.au lgnsw@lgnsw.org.au

Tax Invoice

Invoice Number 80250

Date 07/09/18

Invoice to:

Tenterfield Shire Council
Po Box 214
TENTERFIELD NSW 2372

Customer Code Customer Reference

ZZTENT

Item Code	Item Description	Invoice Quantity	Per	Price	GST	Amount
LEGA	Legal Costs incurred in the matter of Karimbla Properties v Council of the City of Sydney; Bayside City Council; and North Sydney Council [2017] NSWLEC 75 which considered the construction of section 516 (1) (a) of the Local Government Act 1993 (please refer to attached letter)	1		1560.68	156.07	1,716.75

Attn: The General Manager

Terms: 30 Days Invoice Date

Total Includes GST of
156.07

Total
1,716.75

Payment to: Local Government NSW BSB: 062005 Account No. 00090198

LEGAL ASSISTANCE POLICY & GUIDELINES (November 2015)

POLICY AND GUIDELINES - REQUESTS FOR ASSISTANCE WITH LEGAL COSTS

A council may apply for the support of the Association in seeking contributions from all councils to assist with its legal costs where that council is involved in litigation and the principle in question in the matter;

- * involves a major local government principle which may be eroded but for pursuing the matter; and
- * is one which should not be eroded merely because the council involved is not itself, so seriously affected by the outcome of the case that the legal costs associated with pursuing the principle outweigh any other consequences. That is, just because the council involved itself, has decided in all the circumstances not to further pursue the matter, legal assistance can be provided where the matter is of such significance and broader concern to the whole of local government to warrant pursuing the principle.

Councils' applications are to be considered and dealt with on the following basis;

1. The question of whether or not an application for legal assistance will be supported is entirely for the Association to decide and the decision will be based on the general application of the principle involved in the case to all councils.
2. Assistance under these guidelines will only be granted in respect of appeal matters to the New South Wales Court of Appeal or the High Court of Australia. Assistance will not be available to fund litigation in a court of initial jurisdiction (including the Land and Environment Court) unless the Association is satisfied that there exists special and exceptional reasons for doing so. This may include a 'test case' where the matter will affect all councils. The Association may at its discretion provide assistance for a matter in any jurisdiction or Court.

Assistance is not available for matters not involving court action (for examples, matters involving mediation or for the seeking of advice on any available courses of action).

Assistance is not available in relation to matters which arise as a consequence of any entrepreneurial activities which may have been initiated or undertaken by the council concerned in the matter.

Assistance will not normally be in appeals against penalties imposed on a council in a prosecution action by another authority unless there are exceptional grounds for granting it, such as the imposition of a penalty which is significantly inconsistent with penalties imposed in other matters having essentially similar facts and the matter has significance for the whole of local government.

3. Requests for assistance will only be considered if submitted to the Association prior to the commencement of the proceedings in the Court of Appeal or other court, unless the council is involved as the respondent to the appeal. In that event, the request should be submitted as soon as possible after the council becomes aware that the appeal has been or is to be lodged.
4. Support will not be available where the estimated legal costs are less than \$50,000.
5. All applications should include the following details;
 - * a brief statement of the facts of the matter;
 - * a clear indication of the principle involved which makes the outcome of the case of relevance to all councils;

- an estimate of the costs involved; and
 - advice from Counsel as to the prospects of success.
6. Where the Association agrees to support a request for assistance, contributions will be sought from councils calculated on a pro rata basis according to the proportion of the basic membership subscription assessed against each council and based upon the estimate of costs submitted with the initial request (unless an updated figure has been submitted in the meantime). Requests for contributions will be circulated as soon as possible after the Board meetings at which approval is given to seek contributions in the matter.
 7. Contributions are entirely voluntary and no council is under any obligation to make a contribution in any instance.
 8. The Association may, if it is considered appropriate, seek contributions for an amount which is less than the estimated costs involved in the matter.
 9. The Association will pay to the council involved in the matter, the lower of;
 - the total amount collected by the Association through the contribution process; or
 - the residual amount of costs remaining liable upon the council involved in the matter, after any costs are recovered from or ordered by the court to be paid by the other parties to the action, subject to the fact that the council involved in the matter will bear the first \$20,000 of legal costs itself.The Association may at its discretion waive this cost.
 10. Where the council to which support has been given recovers costs from another party after the Association has paid contributions to it, it shall account and repay to the Association these amounts not previously taken into consideration. That is, no council shall be entitled to make a profit from receiving assistance.
 11. Where a council has received support in respect of an appeal to one court suffers an adverse verdict in that court and wishes to appeal to a higher court, for example to have an adverse verdict of the Court of Appeal tested in the High Court, a fresh application for assistance must be submitted. Each application will be considered on its merits. The fact that assistance was given in the lower court should not be seen as guaranteeing that assistance will be available for a further appeal.
 12. When submitting a request for assistance, councils should ensure as far as possible that all necessary information is included in the initial application. A request cannot be considered until all information has been supplied and failure to do so can lead to unnecessary correspondence and delays. If there is information which cannot be supplied when the request is submitted, that fact should be stated and an indication given as to when it will be available.
 13. Any funds received by the Association over and above those requested by the applicant council are to be reimbursed to the council that provided the funds.
 14. Notwithstanding the above, the Association may by resolution of the Board commence, support and/or seek to intervene in any legal proceedings that fall within the objects of the Association and nothing in this policy shall limit the Association's ability to seek voluntary contributions from all councils to assist the Association with its legal costs.
 15. The Association will provide information and updates to all councils on matters that have been approved under this policy.

Department:	Office of the Chief Corporate Officer
Submitted by:	Manager Finance & Technology
Reference:	ITEM GOV79/18
Subject:	FINANCE & ACCOUNTS - PERIOD ENDED 30 SEPTEMBER 2018

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

SUMMARY

The purpose of this report is for the Responsible Accounting Officer to provide, in accordance with Clause 212 of the Local Government (General) Regulation 2005, 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 Finance and Accounts Report for the period ended 30 September 2018.

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 shown as an attachment to this report.

(a) Reconciliation of Accounts

A reconciliation of the cash books of all funds have been carried out with the appropriate bank statements as at 30 September 2018.

Cash Book Balances on this date were as follows:-

General (Consolidated)	\$	4,423,584.77	Credit
General Trust	\$	321,533.93	Credit

Our Governance No. 79 Cont...

(b) Summary of Investments

The attachment to this report is a certified schedule of all Council's investments as at 30 September 2018 showing the various invested amounts and applicable interest rates.

As Council transitions to its new Investment Policy and also as it redeems investments under the old policy, there may be brief periods where investments with one financial institution exceed the 45% limit of total investments. This is the case this month where investments with CBA total 66.11% of the total portfolio. This will be rectified in October 2018.

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)

Nil.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Kylie Smith
Chief Corporate Officer

Our Governance No. 79 Cont...

Prepared by staff member: Paul Della, Manager Finance & Technology

Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer

Department: Office of the Chief Corporate Officer


Attachments: **1** Summary of Investments as at 30 September 2018 1 Page

TENTERFIELD SHIRE COUNCIL - SUMMARY OF INVESTMENTS 30 SEPTEMBER 2018

Financial Institution	Issuer Rating	Investment Term	Maturity Date	Interest Rate	Amount	Percentage Exposure
National Australia Bank	AA-	90 Days	27/Dec/18	2.65%	1,000,000.00	8.47%
TOTAL NAB INVESTMENTS						
					1,000,000.00	8.47%
Commonwealth Bank	AA-	30 Days	25/Oct/18	2.20%	5,000,000.00	42.36%
Commonwealth Bank	AA-	At Call	31/Jan/19	1.50%	1,804,284.39	15.28%
Commonwealth Bank	AA-	365 Days	25/Sep/18	2.72%	1,000,000.00	8.47%
TOTAL CBA INVESTMENTS						
					7,804,284.39	66.11%
Bankwest	AA-	60 Days	25/Nov/18	2.45%	3,000,000.00	25.41%
TOTAL BANKWEST INVESTMENTS						
					3,000,000.00	25.41%
INVESTMENTS TOTAL						100.00%
Summary						
						11,804,284.39

I hereby certify that the investments as shown herein, have been invested in accordance with Section 625 of the Local Government Act 1993, and associated Regulations, and in accordance with Council policy and procedures.*

By:


 Responsible Accounting Officer

P. Della

* Except as highlighted in the associated Council Report.

Department:	Office of the Chief Corporate Officer
Submitted by:	Manager Finance & Technology
Reference:	ITEM GOV80/18
Subject:	CAPITAL EXPENDITURE REPORT AS AT 30 SEPTEMBER 2018

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program	Collaborate and deliver resources with other organisations to ensure a variety of cost effective services across the service area.

SUMMARY

The purpose of this report is to show the progress of Capital Works projects against the Year to Date (YTD) budget each month. This report outlines Council's financial progress against each project.

OFFICER'S RECOMMENDATION:

That Council receive and note the Capital Expenditure Report for the period ended 30 September 2018.

BACKGROUND

This report was updated in the 2017/18 Financial Year and replaced the Expenditure Progress Report that had previously been provided to Council.

Managers were asked to review their budgets in October 2017 and estimate when they expected capital expenditure to occur in each month between October 2017 and June 2018. This information was compiled and a month to month expenditure calculated.

A similar process will be undertaken this financial year when Managers have been trained in Power Budget which will give them the ability to cash flow (phase) their own budgets. For the purpose of this report Finance staff have tied the YTD Budget (being the month of August with actual expenditure for that month).

REPORT:

The Capital Expenditure report indicates to Council the financial progress of each project against the forecast expenditure for that project. The information has also been set out to show which Council service the expenditure relates to.

Some projects will have actual figures but not budgets as yet, because they relate to items carried forward from 2017/18. These budget adjustments will be made in the first quarterly budget review, for the period 1 July 2018 to 30 September 2018.

COUNCIL IMPLICATIONS:

- 1. Community Engagement / Communication (per engagement strategy)**
Nil.

Our Governance No. 80 Cont...

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)

Budget for Capital projects that will carry forward from 2017/18 will be included in the first Quarterly Budget Review.

4. Asset Management (AMS)

Nil.

5. Workforce (WMS)

Nil.

6. Legal and Risk Management

Nil.

7. Performance Measures

Nil.

8. Project Management

Nil.

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Paul Della, Manager Finance & Technology
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer
Department:	Office of the Chief Corporate Officer
Attachments:	1 Attachment 2 (Booklet 1) - Capital Expenditure Budget to 30 September 2018 2 Pages

Department:	Office of the Chief Corporate Officer
Submitted by:	Manager Finance & Technology
Reference:	ITEM GOV81/18
Subject:	REPORT ON LOAN BALANCES

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

SUMMARY

The purpose of this report is to inform Council of its loan balances as at 30 September 2018.

OFFICER'S RECOMMENDATION:

That Council notes the loan balance as at 30 September 2018 was \$7,503,719.24 (\$7,690,327.31 as at 30 June 2018).

BACKGROUND

Council resolved at its meeting on 24 August, 2011 (Resolution 380/11) that a report be provided every three (3) months summarizing Council's debt levels and that the report should include the date the loan is taken out, the amount of the original loan, the current balance owing, the term of the loan, the interest rate and the payment details.

REPORT:

Loan payments are being made in accordance with the loan agreements. Council's loan balance as at 30 September 2018 was \$7,503,719.24 (7,690,327.31 as at 30 June 2018.)

Council intends to take out loans to the value of \$2.830M in 2018-19 as per the adopted Operational Plan and the Office of Local Government have been advised of this as is required via the Proposed Borrowings Return for 2018/19.

Quotations for the additional \$2,000,000 Dam Wall project loan have been sought and Council is awaiting receipt of these.

It should be noted that Council is still not permitted to take advantage of lower interest rate loans offered by the NSW Treasury Corporation (TCORP) despite the fact that the Fit for the Future process is now defunct. Please refer to a separate report on this matter in this Month's Council papers.

The format of the report has been adjusted this month to make it easier to read while still maintaining the relevant details.

Our Governance No. 81 Cont...

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

Council's projected loan borrowings are included in the 2018/19 Operational Plan.

2. Policy and Regulation

- Section 621 of the Local Government Act allows a Council to borrow at any time for any purpose allowed under the Act subject to any restrictions imposed by the Minister in accordance with Section 624 of the Act.
- Borrowing Policy

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.

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Paul Della, Manager Finance & Technology
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer
Department:	Office of the Chief Corporate Officer
Attachments:	1 Loan Balances as at 30 September 2018 1 Page

Tenterfield Shire Council
Loans Schedule
30-September-2018

Loans Details								Principal
FUND	PURPOSE	AMOUNT	OBTAINED FROM	DATE OBTAINED	DUE DATE	RATE OF INTEREST	INTERVALS AT WHICH PAYABLE	Principal Balance as at 30 September 2018
General Fund	Urbenville Medical Centre	150,000	National Australia Bank	14/05/2010	14/05/2020	9.20%	Half Yearly	41,446.48
General Fund	Construction of two bridges on Mt Lindsay Road	1,000,000	Commonwealth Bank of Australia	30/06/2010	30/06/2020	8.02%	Half Yearly	267,265.33
General Fund	Main Street Upgrade	1,200,000	National Australia Bank	25/02/2015	25/02/2025	3.70%	Half Yearly	829,092.82
Sewer	New Sewerage Treatment Plant	2,500,000	National Australia Bank	30/05/2008	30/05/2033	7.81%	Half Yearly	2,002,867.82
Water	Dam Wall Construction	3,450,000	ANZ	25/05/2018	25/05/2038	3.95%	Half Yearly	3,450,000.00
Water	Urbenville Water Treatment Plant	375,000	National Australia Bank	5/02/2009	5/02/2033	6.47%	Half Yearly	298,458.59
Waste	Rehabilitation	1,250,000	National Australia Bank	21/12/2012	21/12/2022	5.45%	Quarterly	614,588.26
TOTAL								7,503,719.24

Department:	Office of the Chief Corporate Officer
Submitted by:	Manager Finance & Technology
Reference:	ITEM GOV82/18
Subject:	TREASURY CORPORATION BORROWINGS - APPROVAL FOR COUNCIL TO APPROACH RELEVANT PARTIES WITH A VIEW TO GAINING ACCESS TO THIS SOURCE OF LOAN FUNDS (SUBJECT TO MEETING TCorp GUIDELINES)

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK	
CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council is a financially sustainable organisation, delivering value services to the Community.
CSP Delivery Program:	Ensure that financial sustainability and the community's capacity to pay inform adopted community service levels.

SUMMARY

The purpose of this report is to seek Council approval for the Mayor and Chief Executive to write to the Minister for Local Government with a view to obtaining permission for access to Treasury Corporation (TCorp) borrowings (subject to meeting TCorp Guidelines) and that should a favourable response not be forthcoming by the end of November 2018, that other avenues to raise the profile of this issue be explored by Council.

OFFICER'S RECOMMENDATION:

That Council approved the Mayor and Chief Executive to write to the Minister for Local Government to request permission for Council to be given access to Treasury Corporation (TCorp) borrowings (subject to meeting TCorp Guidelines) and that should a favourable response not be forthcoming by the end of November 2018, other avenues to raise the profile of this issue be explored by Council.

BACKGROUND

One of the benefits provided to Councils that were declared "Fit for the Future" was that they were permitted to approach TCorp to obtain loans at competitive interest rates.

TCorp's website states that:

"TCorp offers loan facilities to New South Wales local councils seeking funding for projects which make up part of their annual expenditure programme. Loan facilities, at competitive rates, are available to local councils who qualify, or have an approved plan in place to qualify, under the NSW Government's financial sustainability benchmarks and satisfy TCorp's credit criteria."

As a result of Tenterfield Shire Council not being prequalified to be offered a TCorp loan facility, (as a result of not being declared "Fit for the Future"), whether Council satisfies TCorp's credit criteria or not, until approval is given for Council to qualify or have an approved plan in place to qualify, under the NSW Government's financial sustainability benchmarks, Council cannot access this facility.

Our Governance No. 82 Cont...

The response from the Office of Local Government when a request was made as to what Council had to do to be able to access TCorp funding was that:

"Currently the Government has no further reassessment plans to review those councils that did not meet the financial and asset benchmarks."

REPORT:

It is clear from the above that until Council can be reassessed to see if it meets the financial and asset benchmarks no access to TCorp loan funds is available.

It is also clear that there are no further reassessment plans in place to review those councils that did not meet the financial and asset benchmarks.

This is a "Catch 22" situation and is clearly unacceptable.

Further, on the one hand, Councils that were declared "Fit for the Future" and can afford borrowings receive a benefit lowering their borrowing costs, while those that weren't declared "Fit for the Future" are penalised by making them pay more for borrowings. This is clearly not assisting those Councils to become more sustainable.

To put this into perspective, Council flagged in the Operation Plan for 2018/19 an intention to take out loans of \$2.830M.

The indicative interest rate quoted by TCorp (if Council were able to access these funds) at the time of writing this report (15 October 2018) was 4.10% (it was 3.88% when TCorp were last contacted. Interest repayments on a 20 year principal and interest loan would be in the order of \$1,344,483 (\$1,264,691 at the 3.88% rate – an additional cost to Council of \$79,792 on the lower interest rate).

The indicative interest rate offered by another financial institution (that Council can borrow from) on a loan for the same period is currently 5.07% (it was 4.48% at the same time that the TCorp rate of 3.88% was advised). Interest repayments over the same term would be in the order of \$1,706,082 (the amount would have been \$1,484,255 at the 4.48% interest rate).

The difference in total interest repayments between the current TCorp interest rate and the other financial institution's rate is \$361,599. A difference that the ratepayers would need to fund.

So to be clear, the decision to not allow Council access to TCorp loan funds is a cost to ratepayers.

It should be noted that interest rates are only likely to go one way and that is up. Economists from TCorp are forecasting a 25 basis points increase for each of the next three years.

Given that Council can borrow funds from other financial institutions (albeit at a higher cost) it is ironic that Council cannot even see if it meets TCorp's lending criteria to obtain funds from this source.

Council asserts that meeting TCorp's criteria should be the only criteria that Council needs to meet in order to access these borrowings.

Our Governance No. 82 Cont...

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

The community may be interested in the additional cost to ratepayers as a result of Tenterfield Shire Council not being permitted to take advantage of the lower interest rate on borrowings being offered by TCorp.

2. Policy and Regulation

There are no policy and regulation implications as a result of this report.

3. Financial (Annual Budget & LTFF)

If the recommendation in this report is adopted and Council is successful in negotiating lower interest loans from TCorp, this will save Council a significant amount in interest repayments, with \$361,599 being the saving on the loan example provided.

4. Asset Management (AMS)

No changes to the Asset Management Strategy will occur if the recommendation in this report is adopted.

5. Workforce (WMS)

No changes to the Workforce Management Strategy will occur if the recommendation in this report is adopted.

6. Legal and Risk Management

No legal issues have been identified with the issues raised and recommendations made in this report.

7. Performance Measures

Other than financial performance measures, no key performance measures are affected by the issues raised and recommendation made in this report.

8. Project Management

This report does not deal with a major project but does relate to the potential financing of major projects.

Kylie Smith
Chief Corporate Officer

Prepared by staff member:	Paul Della, Manager Finance & Technology
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer
Department:	Office of the Chief Corporate Officer
Attachments:	There are no attachments for this report.

Department:	Office of the Chief Executive
Submitted by:	Executive Assistant & Media
Reference:	ITEM RES9/18
Subject:	COUNCIL RESOLUTION REGISTER - OCTOBER 2018

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK

CSP Goal:	Leadership - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
CSP Strategy:	Council fosters a strong organisational culture which strives for best practice in all operations with a supportive corporate governance framework.
CSP Delivery Program	Ensure that the performance of Council as an organisation complies with all statutory reporting guidelines and information is available to decision makers.

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 Council notes the status of the Council Resolution Register to October 2018.

Terry Dodds
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media	
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive	
Department:	Office of the Chief Executive	
Attachments:	1 Attachment 4 (Booklet 3) - Resolution Register - October 2018	37 Pages