



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

BUSINESS PAPER

ORDINARY COUNCIL MEETING

WEDNESDAY, 28 JUNE 2017

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 **Wednesday, 28 June 2017** commencing at **9.30 am**.

Dave Walker
Acting Chief Executive

Council Meeting Events

- 9.30 am – *Minutes' Silence in Memory of Councillor John Martin*
- 10.00 am – *Citizenship Ceremony*

Pages 54 & 55 of Agenda amended as per Minutes of Meeting – 28 June 2017.

COMMUNITY CONSULTATION – PUBLIC ACCESS

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

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

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

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

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

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

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

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

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

CONFLICT OF INTERESTS

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

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

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

Remoteness

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

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

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

Relatives, Partners

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

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

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

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

No Interest in the Matter

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

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

Disclosure and participation in meetings

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

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

Participation in Meetings Despite Pecuniary Interest (S 452 Act)

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

Non-pecuniary Interests - Must be disclosed in meetings.

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

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

Disclosures to be Recorded (s 453 Act)

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

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## ORDER OF BUSINESS

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

# AGENDA

## 1. OPENING & WELCOME

## 2. (A) OPENING PRAYER

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

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

## (B) ACKNOWLEDGEMENT OF COUNTRY

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

## 3. APOLOGIES

## 4. DISCLOSURES & DECLARATIONS OF INTEREST

## 5. CONFIRMATION OF PREVIOUS MINUTES

### ***Recommendation***

That the Minutes of the Ordinary Council Meeting of Tenterfield Shire Council held on Wednesday, 24 May 2017 as typed and circulated, be confirmed and signed as a true record of the proceedings of that meeting.

## 6. TABLING OF DOCUMENTS

## 7. URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS

## 8. COMMUNITY CONSULTATION (PUBLIC ACCESS)

## 9. MAYORAL MINUTE

## 10. RECOMMENDATIONS FOR ITEMS TO BE CONSIDERED IN CONFIDENTIAL SECTION

### ***Recommendation***

That the following Items be dealt with in the Confidential Section of the Meeting:

- Item ECO9/17 – Tender 09-16/17 – Supply of Tilt Crane Truck
- Item GOV32/17 – Chief Executive – Recruitment & Selection Process

## **11. OPEN COUNCIL REPORTS**

### **OUR COMMUNITY**

#### **OUR ECONOMY**

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**15. CONFIDENTIAL BUSINESS**

(ITEM ECO9/17) TENDER 09-16/17 - SUPPLY OF TILT CRANE TRUCK

That above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 10A(2) (d(i)) (d(ii)) (d(iii)) of the Local Government Act, 1993, as the matter involves 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; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret.

(ITEM GOV32/17) CHIEF EXECUTIVE - RECRUITMENT & SELECTION PROCESS

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)) (d(iii)) 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; AND commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret.

**16. MEETING CLOSED**

|                      |                                                                |
|----------------------|----------------------------------------------------------------|
| <b>Department:</b>   | <b>Infrastructure, Environment &amp; Regulation</b>            |
| <b>Submitted by:</b> | Chief Operating Officer                                        |
| <b>Reference:</b>    | <b>ITEM ECO10/17</b>                                           |
| <b>Subject:</b>      | <b>Unnamed Right of Carriageway off Ogilvie Drive, Tabulam</b> |

|                                                               |                                                                                                                         |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                         |
| <b>Goal:</b>                                                  | 1.6 Our places will be attractive, liveable, sustainable and grow the Shire.                                            |
| <b>Strategy:</b>                                              | 1.6a Maintain and enhance the liveability of Tenterfield Shire as a place to live, work and find a lifestyle of choice. |
| <b>Action:</b>                                                | Market rural lifestyle and commercial/industrial opportunities.                                                         |

## SUMMARY

The purpose of this report is to commence the road naming process to name a Right of Carriageway (ROC) off Ogilvie Drive, Tabulam located approximately 3.064 km from Plains Station 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) Endorses the name "Granite" Lane as the name of this unnamed lane for the purposes of commencing formal public consultation.**
- (2) Advertise the proposed road name of "Granite Lane" allowing 28 days for public response to Council's intention to so 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.**
- (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".**

## BACKGROUND

Council at its 24 May 2017 Ordinary Council meeting resolved as follows:

### **Resolution 63/17**

*"Resolved that a decision on this matter be adjourned and it lay on the table until the next Ordinary Council meeting".*

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.



## Our Economy No. 10 Cont...

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 NSW Addressing User Manual outlines the GNB policy, principles, processes and procedures for addressing (see Attachment 5 (Booklet 2)).

The main objective of naming this "un-named Right of Carriageway" off Ogilvie Drive 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,

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.

Our Economy No. 10 Cont...

### COUNCIL IMPLICATIONS:

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

To-date, property owners that use this right of carriageway have been 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                                                                            |
|---------------------|-----------------------------------------------------------------------------------|
| Rocky Ridge Lane    | no reason was given but assuming the name is due to the rocky granite in the area |
| Eagle Ridge Lane    | no reason was given but assuming the name is due to local fauna in the area       |
| Granite Lane        | resident advised that the granite is the biggest feature of the local countryside |

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, Rocky Ridge Lane, Eagle Ridge Lane and Granite Lane all meet the GNB road naming guidelines, however there is a Rocky River Road and an Eagle Trail within the 50km vicinity of this ROC.

In accordance with the attached extract from the GNB road naming guidelines it states, AP1.4 that *consultation should only occur once a proposal has had initial in-house endorsement from the Local Government*. As shown in the attached Process AP1: Road Naming/Renaming – Local Government Workflow, AP1, Council's Engineering Officer has completed steps AP1.1 and AP1.2 and as Council is only up to the proposal stage, consultation with Public and Authorities AP1.4 will occur once a name has had initial in-house endorsement from Council.

Council's Engineering Officer has also phoned the two (2) residents who put in submissions for the road names advising of the proposed name of "Granite Lane".

Consequently, it is the opinion of Council Officers that the un-named Right of Carriageway be proposed to be called "Granite Lane" as there is no other road names within the 50 km vicinity with this name that would cause confusion due to duplication etc.

#### 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.

Our Economy No. 10 Cont...

**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 Ogilvie Drive 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**

Prepared by staff member: Jessica Gibbins, Engineering Officer  
Approved/Reviewed by Manager: Andre Kompler, Chief Operating Officer  
Department: Infrastructure, Environment & Regulation  
Attachments: **1** Attachment 5 (Booklet 2) - Extract **2**  
NSW Addressing User Manual **Pages**

|                      |                                                        |
|----------------------|--------------------------------------------------------|
| <b>Department:</b>   | <b>Infrastructure, Environment &amp; Regulation</b>    |
| <b>Submitted by:</b> | Chief Operating Officer                                |
| <b>Reference:</b>    | <b>ITEM ECO11/17</b>                                   |
| <b>Subject:</b>      | <b>Lease of Council Controlled Land - Road Reserve</b> |

|                                                               |                                                                                                                               |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                               |
| <b>Goal:</b>                                                  | Council has a long-term vision based on principles of sustainability                                                          |
| <b>Strategy:</b>                                              | Strategy 6.1b – Ensure financial strategies underpin the Council’s asset management policies and strategic vision             |
| <b>Action:</b>                                                | Fit for the Future action plans: Land and property assets review for properties owned by Council that could be sold or leased |

## SUMMARY

The purpose of this report is to provide Council with the necessary information to determine a Lease Agreement for a section of adjoining road reserve between Tenterfield Shire Council and the property owner of Lot 1 Sec 79 DP 758959, 89 Rouse Street Tenterfield.

## OFFICER’S RECOMMENDATION:

### That Council:

- (1) Subject to RMS providing a lease to Council on the land affected, approve the sub-lease of the land as identified in the report to the property owner of Lot 1 Sec 79 DP 758959 for a minimum period of ten (10) years with an option to extend for a further ten (10) years as negotiated with Council with all legal costs and survey to be borne by the property owner; and**
- (2) Approve the signing of the Lease Agreement by the Chief Executive and Mayor under the Seal of Council once the Lease Agreement is determined by Council.**

## BACKGROUND

Council has received correspondence from the property owner of Lot 1 Sec 79 DP 758959 seeking to lease a portion of the road reserve in Rouse Street (New England Highway) to bring the property more in line with adjacent properties to the north (Attachment 6 (Booklet 2)).

The proposed lease area has been gardened and maintained as part of the property in the past however the real property boundaries are set back significantly from the road edge.

Whilst Council is the “Roads Authority”, the question of leasing needs to be considered in the context of who owns the land. It would appear RMS/The Crown own the land in question that is being proposed to be leased.

Upon Council’s agreement to proceed with entering a Lease Agreement with the property owner, the property owner has advised they are happy to arrange survey of the proposed lease area and drafting of the lease agreement for Council’s review and

Our Economy No. 11 Cont...

completion. Any lease costs that result from this resolution would need to be borne by the property owner.

**REPORT:**

The affected land in Rouse Street (New England Highway) is classified as a State Road under the Authority of Roads and Maritime Services (RMS). Accordingly any lease of land by Council requires RMS approval. RMS provided initial advice on 19 October 2016 as follows:

*"Roads and Maritime has no concern with either informal continued use as per the previous occupiers practice. Alternatively we would also support leasing the land to the adjacent land owner, should council prefer this option."*

Further concurrence was received by RMS on 6 June 2017 advising the following:

*"Roads and Maritime Services supports the agreement with the following comments:*

- The proposed area can be fenced off once a formal lease agreement is in place between the property owner and Tenterfield Shire Council. Fencing type should be typical property fencing as approved by Tenterfield Shire Council, generally consistent with other property fencing in Tenterfield, and;*
- The location of the proposed leased area boundary and setback distance are satisfactory and are supported by Roads and Maritime Services should the lease of the land be endorsed by Tenterfield Shire Council."*

Common lease periods for Council is around five (5) years with an option to extend for a further five (5) years.

The property owner has advised that an accredited land valuation is currently being undertaken on the whole property so any value for the proposed lease agreement would need to be negotiated after the valuation has been undertaken and a value confirmed.

The property owner of 89 Rouse Street, Tenterfield has requested a lease for a period for as long as possible but at a minimum of ten (10) years with the option to extend for a further ten (10) years or longer by way of negotiation.

It is therefore recommended that the proposal by the property owner of 89 Rouse Street, Tenterfield be approved in principle and a Lease Agreement be provided by the property owner for Council's review and completion, and further that Council approve the signing of the lease by the Chief Executive and Mayor under the Seal of Council.

**COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

Nil.

**3. Financial (Annual Budget & LTFP)**

All costs of survey and proposed lease agreement will be required to be borne by the property owner of Lot 1 Sec 79 DP 758959.

Our Economy No. 11 Cont...

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Once a Lease Agreement is approved by Council it will be required to be signed by the Chief Executive and Mayor under the Seal of Council.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Andre Kompler**  
**Chief Operating Officer**

|                               |                                                                                                                                            |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Jessica Gibbins, Engineering Officer                                                                                                       |
| Approved/Reviewed by Manager: | Andre Kompler, Chief Operating Officer                                                                                                     |
| Department:                   | Infrastructure, Environment & Regulation                                                                                                   |
| Attachments:                  | <b>1</b> Attachment 6 (Booklet 2) - <b>3</b><br>Proposed Lease of Adjoining Road <b>Pages</b><br>Reserve - 89 Rouse Street,<br>Tenterfield |

|                      |                                                     |
|----------------------|-----------------------------------------------------|
| <b>Department:</b>   | <b>Infrastructure, Environment &amp; Regulation</b> |
| <b>Submitted by:</b> | Chief Operating Officer                             |
| <b>Reference:</b>    | <b>ITEM ECO12/17</b>                                |
| <b>Subject:</b>      | <b>PATERSONS ROAD - ROAD RESERVE UPDATE</b>         |

|                                                               |                                                                                         |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                         |
| <b>Goal:</b>                                                  | Ensure a safe and efficient road network for all road users.                            |
| <b>Strategy:</b>                                              | Roads and bridges will be well designed, constructed and efficiently maintained.        |
| <b>Action:</b>                                                | Implement Asset Management Plans pursuant to IPRL based on technical levels of service. |

## SUMMARY

The purpose of this report is to provide an update to Council on the cadastral surveying and legal work required to place the existing constructed section of Patersons Road into a dedicated road reserve east and south of Acacia Creek at Legume. The current section of Patersons Road is not contained within a dedicated road reserve but traverses privately owned land.

## OFFICER'S RECOMMENDATION:

**That Council receive and note this information update report.**

## BACKGROUND

Council has previously considered a report Reference ITEM EC01/16 on 28 September 2016 (Attachment 7 (Booklet 2) and resolved the following:

*Resolution 244/16*

*"That Council:*

- (1) Advise affected landowners in writing that the land required to formalise the road reserve of Patersons Road be transferred to Council at fee simple (\$1) in accordance with past agreements and Council resolutions; and*
- (2) Consider the allocation of funds in the 2017/18 annual budget to complete the cadastral survey, legal, gazettal and transfer of land to form a dedicated public road reserve encompassing the existing road known as Patersons Road east and south of Acacia Creek for a distance of approximately 4.6 km to the common property boundary of Lot 31 DP 751076 and Lot 42 DP 751076; and*
- (3) Develop a Policy and supporting Protocol to outline the process for managing the formalisation of road reserves into the future."*

In the previous report there was a typing error in (2) above – the road is approximately 4.6 km to the common boundary of Lot 42 DP 751076 and Lot 16 DP 751076 respectively, not Lot 31 DP 751076. (See map included in Attachment 7 (Booklet 2).

Our Economy No. 12 Cont...

## **COUNCIL IMPLICATIONS:**

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

Past discussions have occurred with landowners affected by the creation of a road reserve over the existing formed section of Patersons Road. These discussions have been ongoing since 2000.

Correspondence has now been received from the property owners of Lots 3, 28, 31, 32, 42 DP 751076 advising they would negotiate to transfer the land required to formalise the road reserve of Patersons Road to Council at fee simple \$1. Council's Engineering Officer has had numerous phone discussions with the property owners and has advised that a Legal Deed of Agreement will be prepared and will require signing by the property owners and Council to formalise the agreement.

### **2. Policy and Regulation**

- *NSW Roads Act 1993*
- *Road Network Management Plan*
- *Road Network Asset Management Plan*

### **3. Financial (Annual Budget & LTFFP)**

As previously advised, each year Council allocates a small amount of funding to progress formalisation of road reserves. Typically, this amount is \$15,000.

Council has expended approximately \$5K from the above account, with insufficient funds remaining to allow for the full survey, legal and other work at Patersons Road to be completed. Consequently, additional funds will need to be sourced from the 2017/18 annual budget to finalise the required survey and legal work.

Quotations were sought from four (4) Registered Surveyors to finalise the survey work. Only two (2) were received. The quotation accepted for these works was \$15,800 (excluding GST) plus approximately \$2,000 in legal costs for registration of survey plan to open a new public road over the existing formed road known as Patersons Road. Other costs attributed to advertising the proposal will also be borne by Council.

A Purchase Order has now been raised to engage a surveyor to survey the existing road to the boundary of Lot 42 DP 751076 and Lot 16 DP 751076 respectively and produce a survey plan for registration purposes.

### **4. Asset Management (AMS)**

Nil.

### **5. Workforce (WMS)**

Nil.

### **6. Legal and Risk Management**

Council is not obligated to provide a constructed access to every property within the Shire as such a requirement is extremely onerous and cost prohibitive. However, where there is a constructed and Council maintained road in existence, it is preferable for the constructed road to be contained within a



Our Economy No. 12 Cont...

dedicated road reserve to provide a legal corridor for transport and cover Council's infrastructure investment.

A legal Deed of Agreement is currently being arranged for signing by the property owners and Council for the transfer of land required to formalise the road reserve of Patersons Road.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Andre Kompler**  
**Chief Operating Officer**

|                               |                                                                                              |
|-------------------------------|----------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Jessica Gibbins, Engineering Officer                                                         |
| Approved/Reviewed by Manager: | Andre Kompler, Chief Operating Officer                                                       |
| Department:                   | Infrastructure, Environment & Regulation                                                     |
| Attachments:                  | <b>1</b> Attachment 7 (Booklet 2) - Report to Council dated 28 September 2016 <b>6</b> Pages |

|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Corporate, Governance &amp; Community</b> |
| <b>Submitted by:</b> | Chief Corporate Officer                      |
| <b>Reference:</b>    | <b>ITEM ECO13/17</b>                         |
| <b>Subject:</b>      | <b>NSW Travelling Stock Reserve Review</b>   |

|                                                               |                                                                                                    |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                    |
| <b>Goal:</b>                                                  | Council has a long-term vision based on principles of sustainability.                              |
| <b>Strategy:</b>                                              | Ensure financial strategies underpin the Council's asset management policies and strategic vision. |
| <b>Action:</b>                                                | Review Service Levels (including discontinuation) of assets.                                       |

## SUMMARY

The purpose of this report is to provide Council with a submission to the NSW Travelling Stock Reserve Review process as an action in relation to Notice of Motion 7/17.

## OFFICER'S RECOMMENDATION:

**That Council makes a submission to the review of NSW Travelling Stock Reserve Review expressing support for the NSW Government direction to ensure that the network remains connected, viable and well maintained and expressing a desire liaise with Local Land Services further on any identified surplus assets.**

## BACKGROUND

At its meeting held on 24 May 2017, Council considered the following Notice of Motion:

*"That Council make a detailed submission with a view to transferring unused sections of the Travelling Stock Reserve, especially around the villages, to Council ownership/control."*

This item was postponed to allow for further information to be provided.

## REPORT:

In undertaking the proposed Notice of Motion (NM7/17) further information was provided to Council at the Councilor Briefing Session held on 14 June 2017. This information included discussion on the Public Consultation Paper which outlined the objectives and terms of the review.

Whilst Council noted the terms of the review were outside the scope of the commentary proposed, importance was placed on the opportunity to highlight Councils support of the NSW Government in maintaining the Travelling Stock Route network recognising the multiple existing uses of the network and value proved by the asset, to the community.

Also outside the scope of the commentary sought was the desire for Councils to be identified as a major stakeholder in the directions proposed by the review and where the review identifies surplus assets in the network that Council is given the option to liaise on future use and possible acquisition of surplus assets.

Our Economy No. 13 Cont...

**COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

Nil. Consideration should be given to policy implications of any action arising from future discussions as per the recommendation.

**3. Financial (Annual Budget & LTFP)**

Nil. Consideration should be given to financial implications of any action arising from future discussions should the submission result in further negotiations of surplus assets identified by the Review.

**4. Asset Management (AMS)**

Nil. Consideration should be given to Asset implications of any action arising from future discussions.

**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: Kylie Smith, Chief Corporate Officer  
Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer  
Department: Corporate, Governance & Community  
Attachments: There are no attachments for this report.

|                      |                                                                                    |
|----------------------|------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Infrastructure, Environment &amp; Regulation</b>                                |
| <b>Submitted by:</b> | Chief Operating Officer                                                            |
| <b>Reference:</b>    | <b>ITEM ECO14/17</b>                                                               |
| <b>Subject:</b>      | <b>MAY 2017 INFRASTRUCTURE, ENGINEERING, PLANNING and SERVICES PROGRESS UPDATE</b> |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

**Goal:** This is associated with all of our Key Priority Focus Areas, specifically those relating to infrastructure, planning and communication.

#### **SUMMARY**

This Infrastructure, Environment and Regulation activities report provides a summary of Council's operations covering; Engineering Services, Transport, Asset Management and Major Project Planning, Fleet Services, Waste Services, Water and Waste Water Services, Environmental Services inclusive of operational statistics, achievements and work challenges ahead.

A separate Planning/Development update is provided within the 'Our Environment' suite of reports.

#### **OFFICER'S RECOMMENDATION:**

**That Council receive and note the Chief Operating Officer's May 2017 Progress Report.**

#### **BACKGROUND**

Council on 24 May 2017 in Minute 74/17 resolved to reinstate previous monthly engineering and environment reports. The following is a dot point overview of the May 2017 activities and indicates some of what is ahead for Councillor and constituent information.

#### **REPORT:**

### **1. CHIEF OPERATING OFFICER FOCUS**

Grants and revenue claims, meetings with stakeholders like RMS Grafton, EPA meetings, contracts assessment, legal briefings, major projects status review, meetings with Councillors & wider community, evaluating asset management needs, inspection of Council construction work on Mt Lindesay Road, inspection of Council roads and bridges along Mt Lindesay Road from Tenterfield to Woodenbong and other Council roads like Billirimba Road, waste water treatment plant and fleet/depot and Tenterfield streetscape works inspections. Met a cross section of Tenterfield Shire Council work teams.

### **2. NOXIOUS WEEDS**

#### **Weed Control**

- **African Boxthorn** – five (5) km of river frontage along the Mole River at Mingoola was sprayed out for African Boxthorn.

## Our Economy No. 14 Cont...

This was part of the Priority Weeds funding that was obtained from the Northern Table Lands Local Land Services.

- **Council Lands Sprayed** – Torrington and Stannum Cemeteries, Sunnyside Loop Road Transfer Station and Pound.
- **High Risk Water Ways Inspections** – Mole River, Dumaresq River, and Clarence River for water weeds.
- **Property Inspections** – Properties and TSR's along the Clarence River for Tropical Soda Apple. Properties along Woodside Road and in the Mingoola Area.

**Training and Meetings**

- Weeds Committee Meeting in Armidale.
- 2 x Toolbox meetings.
- Online Biosecurity Training.
- Webinar Conference Regarding the Land Management and Biodiversity Conservation Reforms.

**Other Works**

- Brush cutting of Skate Park and Millbrook Park.
- Mowing in the Cemetery.
- Removal of Street Leaves from Town Streets.

**3. ENVIRONMENTAL SERVICES****Saleyards**

| <b>Cattle numbers for May 2017</b> |                    |                        |
|------------------------------------|--------------------|------------------------|
| Feature Sales                      | 8,332 Head         | \$7,800,105.04         |
| Prime Sale/Store Sale              | 7,415 Head         | \$7,722,321.81         |
| Private Weighing                   | 1,213 Head         | \$1,000,840.93         |
| <b>Total</b>                       | <b>16,960 Head</b> | <b>\$16,522,907.78</b> |

- Preparations and maintenance of Sale yards in readiness of the Agents joint sales.
- Sale yard mowing
- Sale yard maintenance -Repairs and cleaning to water troughs.

**Parks & Gardens**

- Leaf collection around town.
- Pruned Street Trees.
- Sprayed Paved Footpaths for Weeds.
- Mowed Parks and Road Verges.
- Brush-cut Parks and Along the Creek.
- Rouse Street Gardens Maintenance – Weeding, Mulching and Replanting.

Our Economy No. 14 Cont...

- Pruned Low Limbs in Parks.
- Removed Fallen Limbs from Town Streets.
- Removed Rubbish along Tenterfield Creek.
- Edged Walking/Bike Track.
- Playground Inspections.
- Watered Gardens.
- Re-mulched Gardens with Sugarcane Mulch.
- Daily Cleaning and Repairs of Parks Toilets and BBQ's.
- Rubbish Removal of Main Street and Parks Bins.

### **Cemetery**

- Mowing, Sprayed and Edged Tenterfield Cemetery.
- Mowed Stannum and Torrington Cemeteries.
- There were four (4) funerals in Tenterfield the month of May.
- There was one (1) funeral in Torrington in the month of May.

## **4. PLANNING & COMPLIANCE**

### **Companion Animal Activities**

- Four (4) dogs and zero (0) cats were impounded;
- There were six (6) dogs and twelve (12) cats surrendered;
- There were twenty two (22) animals euthanized due to being surrendered, unclaimed or not suitable for re-homing; and
- There were two (2) dogs picked up and returned to their owners without being impounded.

### **Registration**

- There were a total of seventeen (17) dogs, five (5) working dogs and nine (9) cats permanently identified (micro chipped) and registered; and
- Contacted sixty (60) overdue dog registration recipients for compliance.

### **Planning and Building Activities**

Food shop inspections-

- All Councils in NSW have a Food Regulation partnership (FPR) with the NSW Food Authority (NSWFA). All Local councils are appointed enforcement agencies by the NSWFA and must undertake at least one inspection on all food premises within the Shire annually, they must have been inspected by June 30 each year. These results are then compiled into an **Annual Activity Report** that must be submitted to the FA by the end of July each year.
- Inspections are undertaken by Environmental Health Officers (EHO) using a standard inspection check list issued by the FA, if required, directions given to each business to rectify any issue that need addressing. Follow up inspections are undertaken on a needs basis, depending on risk etc.
- Of the fifty four (54) food premises in the Shire, at the time of writing, five (5), premises remain to be inspected prior to 30 June 2017.

Our Economy No. 14 Cont...

### **Septic Inspections**

- Tenterfield Shire Council have implemented an On-site sewage management inspection program, this program has been operating since end of 2014. All systems within NSW should have an Approval to operate issued under S68 of the Local Government Act. Council EHO'S inspected the Dam catchment area first, and have continued to inspect selected area in stages. Council's EHO's will commence inspections for Stage 5 (in the vicinity of the north east of Tenterfield) of the program during the July-September quarter.
- EHO's also continually inspect systems as requested for property sales or inspect as a result of complaints etc.

### **Planning**

- Council has again been successful in obtaining Office of Environment and Heritage Funding for both the Local Places Heritage Fund and the Heritage Advisor Fund for both the 17-18 and 18-19 financial years, with \$6000 and \$6500 being granted respectively.
- Staff have compiled the application forms and guidelines documents for the Local Places Heritage Fund which are now open, with information and forms available on Council's website and at Council's offices.

## **5. WATER & WASTE SERVICES**

### **Capital Projects Update**

- Dam Wall Upgrade Project - Contract documents with revised scope of works were sent out to the next preferred tenderer in the initial tendering process.
- The previous dam wall contractor is disputing the Principal's assessment of their final claim. Council is awaiting further details.
- Tenterfield Dam Surveillance Report – Public Works NSW will be engaged to carry out the five yearly Type 1 Dam Surveillance Inspection as per NSW Dam Safety Committee requirements.
- Water main replacement at Bulwer Street ongoing.
- Jennings Sewer Feasibility Study – Consultant (Hunter H2O) was engaged and commenced work on the Jennings Sewer feasibility study which will consider the implications of connection to neighbouring Council waste water treatment facilities.
- Simpson & Logan Streets Sewer Augmentation Project – Quotations were called from contractors for construction works. Material ordering in progress.
- Tenterfield Community Recycling Centre – Shed construction completed. Minor works and documentation in progress. Expected completion by end of July 2017;

Our Economy No. 14 Cont...

### **Major Maintenance to Water, Sewer and Waste Assets Carried out During Month**

- Tenterfield Sewage Treatment Plant – Replacement Soda Ash dosing skid has been ordered and expected to arrive within next two weeks. The existing skid is non-functional due to excessive scaling of pipes and fittings.
- Tenterfield Flood Warning System – Essential maintenance of Tenterfield Flood Warning System was completed and the Flood Warning SCADA system is up and running again. This maintenance has triggered more upgrades necessary for the system (i.e. upgrade to 3G mobile network from 2G) and will be carried out subsequently.

## **6. FLEET & ENGINEERING**

- Council are proceeding with the float and low loader plant replacement tender acceptance approvals resulting from the 24 May 2017 Ordinary Council Meeting.
- Disability Inclusion and Access Advisory Committee Meeting held 15 May 2017.
- Followed up on Local Traffic Committee items from February meeting.
- Local Traffic Committee Meeting held 1 June 2017.
- Ordered Memory Lane Plaque for main street pavement works.
- Snakes Creek Road reserve matter progressing.
- Patersons Road reserve matter progressing.
- Rover Park Road – grids issue. Meeting held affected with property owners.
- Issued 9 Access Permits, issued under Section 138 of the Roads Act.
- Issued 1 Land Access & Activity Notice for Essential Energy.
- Issued 4 new Rural Address Numbers.
- Continuing to check Council's Addressing data with Rates, as part of Council's participation in the Council Address Data Alignment Pilot Project LPI.
- Liaised with Crown Lands Department on various road matters.
- Continuing to update MyRoadInfo.

## **7. ROADS & BRIDGES**

### **General Information**

- Inspections and condition assessment of Council's rural road Bridges has been carried out by Coastal Works – a bridge arm of Coffs Harbour Council. 11 bridges were level two inspected and we await a report to prioritise our major timber bridge component replacement works program for 17/18.

### **Road Maintenance (Grading)**

The following maintenance grading is being undertaken and planned for June:

#### Central Grader

- Wellington Lookout Road, Cataract River Road, Black Swamp Road, Black Swamp School Road, Nutshell Road and Timbarra Road.

#### Northern Grader

- Rivertree Road, Kingfisher Road, Cullen Road and Razorback Road; followed by resheeting at White Swamp Road and Graham's Creek Road.



Our Economy No. 14 Cont...

#### Western Grader

- Bluff River Road resheeting, maintenance grading Heatherdean Road, Calthorpes Road, Castlerag Road, Rockdale Road, McCowen's Road and Deepwater Racecourse Road.

#### Eastern Grader

- Paddy's Flat Road South , Cresnet Hills Road, Frames Road, Cheviot Hills Road, Sugarbag Road, Kims Way Road and Bunnijar Road.

### **Regional & State Roads**

#### *Mount Lindesay Road - Legume to Woodenbong -3.2Km*

- Contract 09-15/16 'Dalman North' in the amount of approximately \$2.1Million has been practically completed by Townes Contracting. The work was funded via a \$1.5Million grant from the NSW government. The balance of construction costs were funded from Federal RtR funding.

#### *Mount Lindesay Road – unsealed sections*

- Unsealed sections graded.

#### *Mount Lindesay Road Legume to Woodenbong \$24M upgrade over the next 3 Years.*

- This project has funding confirmed from the NSW government in the amount of \$12M. The Federal commitment for the \$12M matching funding remains to be formally confirmed with TSC (i.e. to-date TSC possess only an article from ABC New England dated 17 June 2016 intimating \$12M of Federal co-funding at no specific time in the future).
- TSC will submit to the NSW RMS a project proposal for the \$24M project by the end of June 2017. Such will identify project lengths, delivery approach and project timing. RMS appear to be managing the grant funding process thus far.
- TSC continue to project manage two separate projects which are a part of the \$24M scope of works. Geotechnical work, survey and concept design is complete. At present TSC's consultants are completing final design and there after need to prepare quantity surveyor estimates of works with appropriate contingency allowances. Once the Federal funding is formally advised to TSC along with the process for accessing funds, TSC will form a Project Control Group (PCG) which will have representation from RMS and be headed by Council's new Asset and Project Planning Manager. The mix of contract versus TSC delivery will be decided after a review of TSC's other Operational Plan commitments for 2017/2018. That which will go out to tender will be advertised in 2017 after project delivery schedule refinement and preparation of tender documentation. The first two projects being developed as part of this \$24M package include;
  1. Project 6.2km- 0.0km to 6.2km east of Legume inclusive of the Killarney Road intersection- (Design consultant- LEGS)
  2. Project 2.4km -26.7 to 29.1km east of Legume- (design consultant- Moloney).

Our Economy No. 14 Cont...

*Mount Lindesay Road – Bald Rock*

- Work was completed on new drainage culverts, vegetation clearing, and widening of the road formation for construction of the road pavement. This project is funded from the RMS & the Regional Road Block Grant.

*Bruxner Way*

- Drainage and pavement repairs are occurring on the Bruxner Way at locations in readiness for reseals in the new financial year.

*Bolivia Hill \$60M deviation (new England Highway) and Tenterfield Bypass \$10M Project Development*

- RMS will be meeting TSC's Chief Operations Officer at the end of June 2017 re progressing these two projects. Apparently the Federal Government needs to release the \$10M to the NSW government. The mechanism for this funding release and what if anything Council needs to provide in the form of stakeholder advice is currently unclear and needs to be clarified by both the Feds and State.

**Heavy Patching and Bitumen Sealing**

- Patching and resealing of Woodside Road and Mole Station Road is complete.

**Gravel sheeting**

- Works near completed for gravel sheeting of a section of Bluff River Road. This work is funded from Council's SRV allocation.

**Bridges and Causeways**

Wallaby Creek Bridge (Tooloom Road)

The construction of concrete substructure including pre-cast piles, cast-in-situ piles, two abutments and two piers are completed. Pre-purchased modular timber deck units were placed on top of the completed substructure on 7th June 2017 (last week). Minor works on timber decks, backfilling of abutments, approach slabs and road re-seal works do be completed.

It is expected the bridge construction to be completed by early July (weather permitting).

| <b>Description</b>                                                 | <b>Cost<br/>(GST<br/>Inclusive)</b> |
|--------------------------------------------------------------------|-------------------------------------|
| Modular Timber Deck Units (purchased 2015)                         | \$141,450                           |
| Bridge Design and Project Management                               | \$45,000                            |
| Supply and Installation of Bridge Piles                            | \$122,150                           |
| Bridge construction contract awarded to Ozwide Bridge Rail & Civil | \$375,595                           |
| Sealing of bridge approaches                                       | 15,000                              |
| <b>Total</b>                                                       | <b>\$699,195</b>                    |
| Bridge dimensions- 5m width, 28.3m length over 3 spans             |                                     |
| <b>Cost /m2</b>                                                    | <b>\$4,947</b>                      |

In 2015, Council was successful in being allocated \$160,000 (ex GST) from a Fixing Country Roads (FCR) Round 1 grant for the construction of Wallaby Creek Bridge. Excluding the FCR grant funding, Council's contribution to the construction of Wallaby Creek Bridge will be \$475,632 (ex GST).

Our Economy No. 14 Cont...

Harrigans Road Bridge (800 metres from Mt Lindesay Rd)

Replacement of decking boards, kerbs and abutments will occur by end of June 2017.

Causeway Upgrades

Replacement of a floodway at 18km on Pyes Creek Road. This causeway is funded from Federal Roads to Recovery grant funding.

Bellevue Road

Causeway replacement 700 metres from the Casino Road commencing July 2017.

**Flood Damage from 2015**

Restoration work via \$1.4 million contract should be completed in July 2017

## **8. CONCLUSION**

The Infrastructure and Services Division is providing timely and professional service to the residents and ratepayers of Tenterfield Shire.

**Andre Kompler**  
**Chief Operating Officer**

|                               |                                           |
|-------------------------------|-------------------------------------------|
| Prepared by staff member:     | Andre Kompler, Chief Operating Officer    |
| Approved/Reviewed by Manager: | Andre Kompler, Chief Operating Officer    |
| Department:                   | Infrastructure, Environment & Regulation  |
| Attachments:                  | There are no attachments for this report. |

|                      |                                                     |
|----------------------|-----------------------------------------------------|
| <b>Department:</b>   | <b>Infrastructure, Environment &amp; Regulation</b> |
| <b>Submitted by:</b> | Chief Operating Officer                             |
| <b>Reference:</b>    | <b>ITEM ENV7/17</b>                                 |
| <b>Subject:</b>      | <b>Planning/Development Update</b>                  |

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

## SUMMARY

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

## OFFICER’S RECOMMENDATION:

**That Council receives and notes the Report “Planning/Development Update”.**

## BACKGROUND

This report provides a review of development applications and the processing undertaken by Council for the month of **May 2017**. The data herein is also provided to the Australian Bureau of Statistics (ABS) for development monitoring purposes.

Our Environment No. 7 Cont...

**REPORT:****APPLICATIONS LODGED WITH COUNCIL IN MAY 2017**

| App No.         | Lodged    | Applicant                                                          | Lot/Sec/DP | Location                                       | Development                       |
|-----------------|-----------|--------------------------------------------------------------------|------------|------------------------------------------------|-----------------------------------|
| DA<br>2017.048  | 01-May-17 | Woodenbong<br>Trailbike Ride (Ray<br>Buchanan)                     | Multiple   | West of Woodenbong<br>Properties, Koreelah     | Special Event - Trailbike<br>Ride |
| DA<br>2017.049  | 1-May-17  | GRANT Richard                                                      | 2/579271   | 151 Wellington<br>Lookout Road,<br>Tenterfield | Extension to Existing<br>Dwelling |
| DA<br>2017.050  | 5-May-17  | MENEGUZZI<br>Onelio                                                | 3/571685   | 95 Drummond Street,<br>Tenterfield             | Extension to Existing<br>Shed     |
| CDC<br>2017.051 | 05-May-17 | HICKEY Tony<br>(Flynn)                                             | 1/996197   | 40 Manners Street,<br>Tenterfield              | Garage                            |
| DA<br>2017.052  | 05-May-17 | HICKEY Tony<br>(Goodwin)                                           | 1/868149   | 457 Scrub Road,<br>Tenterfield                 | Extension to Existing<br>Dwelling |
| DA<br>2017.053  | 10-May-17 | Mountain Blue<br>Farms (Bell) C/-<br>Greg Alderson &<br>Associates | 3/1188255  | 1949C Hootons Road,<br>Tabulam                 | Dwelling                          |
| DA<br>2017.054  | 11-May-17 | ROGAN Garry &<br>Jennifer                                          | A/334496   | 251 Douglas Street,<br>Tenterfield             | Four (4) Lot Subdivision          |

Our Environment No. 7 Cont...

**DETERMINATIONS MADE UNDER  
STAFF DELEGATION IN MAY 2017**

| App No.      | Lodged    | Date of Approval | No. of Days | Applicant                           | Lot/ Sec/ DP | Locality                        | Description of Development     |
|--------------|-----------|------------------|-------------|-------------------------------------|--------------|---------------------------------|--------------------------------|
| DA 2017.036  | 29-Mar-17 | 29-Mar-17        | 15 Days     | DJL Consolidated Pty Ltd (Stanford) | 3/839289     | 80 Derby Street, Tenterfield    | Storage Shed                   |
| DA 2017.039  | 31-Mar-17 | 4-May-17         | 14 Days     | THOMAS Daniel                       | 3/701755     | 258 Bruxner Road, Drake         | Storage Shed                   |
| DA 2017.042  | 12-Apr-17 | 10-May-17        | 29 Days     | FEARNLEY Andrew & Robyn             | 21/1203390   | 24 Acacia Street, Liston        | Dwelling                       |
| DA 2017.043  | 12-Apr-17 | 16-May-17        | 35 Days     | ASTON John & Linda                  | 4/1065438    | 251 Rivertree Road, Liston      | Extension to Existing Dwelling |
| DA 2017.047  | 24-Apr-17 | 24-May-17        | 9 Days      | CLARE Warren & EBERT Larry          | 32/1096327   | 32 Parkes Drive, Tenterfield    | Storage Shed                   |
| DA 2017.050  | 5-May-17  | 29-May-17        | 25 Days     | MENEGUZZI Onelio                    | 3/571685     | 95 Drummond Street, Tenterfield | Extension to Existing Shed     |
| CDC 2017.051 | 05-May-17 | 15-May-17        | 11 Days     | HICKEY Tony (Flynn)                 | 1/996197     | 40 Manners Street, Tenterfield  | Garage                         |
| DA 2017.054  | 11-May-17 | 23-May-17        | 13 Days     | ROGAN Garry & Jennifer              | A/334496     | 251 Douglas Street, Tenterfield | Four (4) Lot Subdivision       |

**APPLICATIONS CURRENTLY OUTSTANDING (AS AT 14 JUNE 2017)**

| DA No. | Lodged    | Status of Application                          | Applicant                                | Location                           | Proposed Development                                                         |
|--------|-----------|------------------------------------------------|------------------------------------------|------------------------------------|------------------------------------------------------------------------------|
| 16.103 | 14-Nov-16 | Additional Information Required from Applicant | Tenterfield Family Funerals (Glen Curry) | 61-63 Rouse St, T'field            | Crematorium                                                                  |
| 17.019 | 15-Feb-17 | Additional Information Required from Applicant | ABC Constructions (Townes)               | Kildare Rd, T'field                | Manufactured Dwelling                                                        |
| 17.044 | 13-Apr-17 | Awaiting Recommendation from NSW RFS           | Tenterfield Surveys P/L (Rochford)       | 163 Geyers Rd, T'field             | Four (4) Lot Staged Subdivision                                              |
| 17.045 | 18-Apr-17 | Awaiting Recommendation from RMS               | Currie Brown Australia P/L               | 1823 New England Hwy, Jennings     | Demolition of Existing Service Station & Construction of New Service Station |
| 17.046 | 18-Apr-17 | Additional Information Required from Applicant | Tenterfield Surveys P/L (Elinara P/L)    | 276 Mt McKenzie Rd, T'field        | Five (5) Lot Subdivision                                                     |
| 17.049 | 01-May-17 | Awaiting Recommendation from NSW RFS           | GRANT Richard                            | 151 Wellington Lookout Rd, T'field | Extension to Existing Dwelling                                               |

Our Environment No. 7 Cont...

| FY 16/17 Development Statistics     |                       |                                                    |                              |                                   |               |                        |                           |                           |  |  |
|-------------------------------------|-----------------------|----------------------------------------------------|------------------------------|-----------------------------------|---------------|------------------------|---------------------------|---------------------------|--|--|
|                                     | Dwellings             | Additions/<br>Renovations to<br>Existing Dwellings | Garages, Carports<br>& Sheds | Commercial or<br>Industrial Works | Subdivision   | Recreation/<br>Tourism | FY 16/17<br>Monthly Total | FY 15/16<br>Monthly Total |  |  |
| Jul-16                              | No. 3                 | 0                                                  | 2                            | 0                                 | 2             | 1                      | 8                         | 9                         |  |  |
|                                     | Value \$513,000.00    | \$0.00                                             | \$178,000.00                 | \$0.00                            | \$0.00        | \$32,770.00            | \$723,770.00              | \$496,563.00              |  |  |
| Aug-16                              | No. 2                 | 3                                                  | 2                            | 0                                 | 2             | 0                      | 9                         | 12                        |  |  |
|                                     | Value \$318,000.00    | \$63,600.00                                        | \$68,500.00                  | \$0.00                            | \$0.00        | \$0.00                 | \$450,100.00              | \$814,550.00              |  |  |
| Sep-16                              | No. 5                 | 0                                                  | 5                            | 2                                 | 1             | 1                      | 14                        | 8                         |  |  |
|                                     | Value \$1,031,735.00  | \$0.00                                             | \$111,786.00                 | \$95,200.00                       | \$0.00        | \$0.00                 | \$1,238,721.00            | \$613,123.00              |  |  |
| Oct-16                              | No. 3                 | 0                                                  | 5                            | 1                                 | 1             | 0                      | 10                        | 14                        |  |  |
|                                     | Value \$816,290.00    | \$0.00                                             | \$119,400.00                 | \$2,000.00                        | \$0.00        | \$0.00                 | \$937,690.00              | \$1,315,369.00            |  |  |
| Nov-16                              | No. 1                 | 3                                                  | 4                            | 3                                 | 1             | 1                      | 13                        | 24                        |  |  |
|                                     | Value \$50,000.00     | \$169,000.00                                       | \$97,690.00                  | \$75,000.00                       | \$0.00        | \$0.00                 | \$391,690.00              | \$963,350.00              |  |  |
| Dec-16                              | No. 6                 | 2                                                  | 1                            | 0                                 | 1             | 0                      | 10                        | 9                         |  |  |
|                                     | Value \$797,556.00    | \$112,810.00                                       | \$20,000.00                  | \$0.00                            | \$0.00        | \$0.00                 | \$930,366.00              | \$491,650.00              |  |  |
| Jan-17                              | No. 5                 | 0                                                  | 2                            | 0                                 | 1             | 0                      | 8                         | 3                         |  |  |
|                                     | Value \$1,537,176.00  | \$0.00                                             | \$68,647.00                  | \$0.00                            | \$0.00        | \$0.00                 | \$1,605,823.00            | \$82,400.00               |  |  |
| Feb-17                              | No. 5                 | 0                                                  | 7                            | 3                                 | 2             | 2                      | 19                        | 9                         |  |  |
|                                     | Value \$1,160,265.00  | \$0.00                                             | \$97,462.00                  | \$176,400.00                      | \$0.00        | \$5,000.00             | \$1,439,127.00            | \$2,632,960.00            |  |  |
| Mar-17                              | No. 3                 | 2                                                  | 8                            | 1                                 | 2             | 1                      | 17                        | 15                        |  |  |
|                                     | Value \$282,049.00    | \$26,100.00                                        | \$180,138.00                 | \$107,000.00                      | \$0.00        | \$0.00                 | \$595,287.00              | \$1,289,999.00            |  |  |
| Apr-17                              | No. 1                 | 1                                                  | 2                            | 2                                 | 2             | 0                      | 8                         | 10                        |  |  |
|                                     | Value \$319,000.00    | \$35,000.00                                        | \$22,300.00                  | \$3,600,000.00                    | \$0.00        | \$0.00                 | \$3,976,300.00            | \$630,217.00              |  |  |
| May-17                              | No. 1                 | 2                                                  | 2                            | 0                                 | 1             | 1                      | 7                         | 9                         |  |  |
|                                     | Value \$300,000.00    | \$124,000.00                                       | \$22,300.00                  | \$0.00                            | \$0.00        | \$0.00                 | \$446,300.00              | \$993,968.00              |  |  |
| Jun-17                              | No.                   |                                                    |                              |                                   |               |                        |                           | 9                         |  |  |
|                                     | Value                 |                                                    |                              |                                   |               |                        |                           | \$676,127.00              |  |  |
| No. (Year to Date)                  | <b>35</b>             | <b>13</b>                                          | <b>40</b>                    | <b>12</b>                         | <b>16</b>     | <b>7</b>               | <b>123</b>                | <b>131</b>                |  |  |
| FY 16/17 Total Value (Year to Date) | <b>\$7,125,071.00</b> | <b>\$530,510.00</b>                                | <b>\$986,223.00</b>          | <b>\$4,055,600.00</b>             | <b>\$0.00</b> | <b>\$37,770.00</b>     | <b>\$12,735,174.00</b>    |                           |  |  |
| FY 15/16 Total Value                | \$7,917,361.10        | \$487,700.00                                       | \$777,052.90                 | \$1,633,163.00                    | \$0.00        | \$184,999.00           |                           | \$11,000,276.00           |  |  |

Our Environment No. 7 Cont...

**COUNCIL IMPLICATIONS:**

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

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

**2. Policy and Regulation**

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

**3. Financial (Annual Budget & LTFP)**

Nil

**4. Asset Management (AMS)**

Nil

**5. Workforce (WMS)**

Nil

**6. Legal and Risk Management**

Nil

**7. Performance Measures**

Nil

**8. Project Management**

Nil

**Andre Kompler**  
**Chief Operating Officer**

Prepared by staff member: Jenni Pentland, Senior Administration & Planning Assistant

Approved/Reviewed by Manager: Andre Kompler, Chief Operating Officer

Department: Infrastructure, Environment & Regulation

Attachments:



|                      |                                                                                                                     |
|----------------------|---------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Infrastructure, Environment &amp; Regulation</b>                                                                 |
| <b>Submitted by:</b> | Chief Operating Officer                                                                                             |
| <b>Reference:</b>    | <b>ITEM ENV8/17</b>                                                                                                 |
| <b>Subject:</b>      | <b>Tenterfield Local Environmental Plan 2013 - Proposed Amendment - Planning Proposal RU3 Zoned Land Provisions</b> |

---

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

**Goal:** Land use planning strategies and policies enhance and support sustainable economic growth.

---

**SUMMARY**

The purpose of this report is for Council to consider a Planning Proposal document to be lodged through the Gateway Process with the Department of Planning and Environment. The Planning Proposal seeks to remove the RU3 Forestry Land Use Zone from Tenterfield Local Environmental Plan 2013 and convert all of the current RU3 zoned land to RU1 Primary Production.

**OFFICER'S RECOMMENDATION:**

**That Council forward the Planning Proposal to the Department of Planning and Environment for assessment through the Gateway process.**

**BACKGROUND**

The preparation of the Planning Proposal (Attachment 8 (Booklet 2) arises from Council's resolution of 23 November 2016, where Council resolved the following;

**"Resolution 298/16**

*Resolved that Council:*

- (1) *Amend the Tenterfield LEP RU3 Development with Consent ruling by:
  - a) *Deleting "Nil".*
  - b) *Inserting wording as per RU1.**
- (2) *Amend the zoning map by correcting the land zoning identified as per the attached map from RU3 to RU1 as the land in question is freehold title, not State Forest."*

The current RU3 forestry zone contained within *Tenterfield Local Environmental Plan 2013* (LEP) states;

Our Environment No. 8 Cont...

---

### **Zone RU3 Forestry**

#### **1 Objectives of zone**

- To enable development for forestry purposes.
- To enable other development that is compatible with forestry land uses.

#### **2 Permitted without consent**

Roads; Uses authorised under the *Forestry Act 2012*

#### **3 Permitted with consent**

Nil

#### **4 Prohibited**

Any development not specified in item 2 or 3

The resolution seeks to amend the above table by altering the "Permitted with consent" provisions from 'Nil' to the wording which currently sits under the RU1 Zoning table, which states;

#### ***"Permitted with consent***

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

By altering the RU3 Forestry zoning table, it will have the effect of applying these provisions to all land zoned RU3 under the Tenterfield LEP.

The current RU3 Forestry Zone within Tenterfield LEP was mapped based on historical mapping created under the preceding LEP, being *Tenterfield LEP 1996* (now repealed). The creation of the Tenterfield LEP 2013 was referred to as a 'conversion' LEP, whereby all provisions in the 1996 LEP were converted in to the Standard Instrument format as required by the Department of Planning and Environment in 2013. No changes were made to the zoning maps at the conversion stage. The maps form part of the Tenterfield LEP and are regulated as a piece of legislation.

A search of the relevant records back to 1988 leading up to the exhibition and final gazettal of the 1996 LEP, has not revealed information which indicates how 1(f) Forestry zones were determined. The map itself states it was prepared by an external consultant. After discussion with the Department of Planning and Environment, they are of the belief that any mapping of forestry land would likely have been carried out on the basis of information from Forestry at that time.

Part (2) of Council's resolution states that the LEP mapping be amended such that the two (2) subject lots are rezoned from RU3 to RU1 Primary Production.

#### **REPORT:**

Information presented at Council's meeting of 23 November 2016 indicated that Lot 52 DP 751496 and Lot 36 DP 751528 are held in freehold title and should therefore not be zoned as RU3 Forestry.

Our Environment No. 8 Cont...

The properties are located on Timbarra Road in the east of the Shire, with extracts from the LEP zoning maps provided below;

Lot 52 DP 751496 (559ha)

Below is an extract from the zoning map which indicates the lot is currently zoned RU3 Forestry (the western section) and RU1 Primary Production (eastern section).



Lot 36 DP 751528 (1310ha)

Below is an extract from the zoning map which indicates Lot 36 is also currently dual zoned as above, with the majority of the land zoned RU3 Forestry.



At this stage it is unknown if there are any other parcels of land within the Tenterfield Shire which may be similarly affected and generally it would be considered good planning practice to investigate the potential implications on a shire wide basis, rather than on an ad hoc basis.

It is noted that all of Lot 52 DP 751496 and the majority of Lot 36 DP 751528 are identified by the NSW Planning Portal as subject to listing as High Conservation Value Old Growth Forest under the *Heritage Act 1977* as items of State Heritage significance. In this regard it is likely that Council will be required to consult with the Office of Environment and Heritage as to any impacts that a land use zoning change may have on the listing.

Preliminary consultation with the NSW Department of Planning & Environment in relation to the proposal was undertaken and a draft of the Planning Proposal forwarded for review prior to formal lodgement.

Our Environment No. 8 Cont...

In the view of the Department, and in order to achieve the objective of the Planning Proposal, it has been suggested that a possible solution for this, and potentially other affected land, would be to remove the RU3 Forestry Zone entirely from Tenterfield LEP. Forestry is permitted in the RU1 zone and several of Tenterfield's neighbouring Councils do not have an RU3 zone. A designation as State Forest does not mean it has to be zoned RU3. All of the current lands zoned RU3 could revert to RU1 Primary Production and be subject to the provision of the RU1 Primary Production zoning table.

### **COUNCIL IMPLICATIONS:**

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

Details of the required community consultation will be provided by the Department of Planning and Environment.

#### **2. Policy and Regulation**

The steps in the process to formally amend Tenterfield LEP 2013 are set out through the *Environmental Planning & Assessment Act, 1979* and processed by the NSW Department of Planning & Environment through the Gateway Process.

The Gateway Process follows the following steps;

1. The Planning Proposal – the relevant authority (usually Council) prepares the planning proposal.
2. Gateway – the Minister decides whether the planning proposal can proceed (with or without variation) and subject to other matters including further studies being undertaken, public consultation, public hearing, agency consultation and time frames. A planning proposal does not usually proceed without conditions of this nature. The conditions are then complied with and if necessary, the proposal is changed. A decision on whether the relevant council is able to finalise particular types of LEPs is also determined at this stage.
3. Community consultation –the proposal is publicly exhibited as required by the Minister.
4. Assessment – the relevant planning authority reviews public submissions. Parliamentary Counsel then prepares a draft local environmental plan.
5. The making of the LEP – with the Minister's approval the local environmental plan is published on the NSW legislation website and becomes law.

#### **3. Financial (Annual Budget & LTFP)**

No change at this point, if further investigations are required after the matter is considered at the Gateway, it may be necessary to engage a consultant to undertake the work dependent on the scope.

#### **4. Asset Management (AMS)**

No impact.

Our Environment No. 8 Cont...

**5. Workforce (WMS)**

No impact at this point.

**6. Legal and Risk Management**

No issues at this point.

**7. Performance Measures**

No impact at this point.

**8. Project Management**

Not a major project at this point.

**Andre Kompler**  
**Chief Operating Officer**

|                               |                                                                          |
|-------------------------------|--------------------------------------------------------------------------|
| Prepared by staff member:     | Tamai Davidson, Senior Planner                                           |
| Approved/Reviewed by Manager: | Andre Kompler, Chief Operating Officer                                   |
| Department:                   | Infrastructure, Environment & Regulation                                 |
| Attachments:                  | <b>1</b> Attachment 8 (Booklet 2) - 6<br>Planning Proposal 2017-01 Pages |

|                      |                                                         |
|----------------------|---------------------------------------------------------|
| <b>Department:</b>   | <b>Infrastructure, Environment &amp; Regulation</b>     |
| <b>Submitted by:</b> | Chief Operating Officer                                 |
| <b>Reference:</b>    | <b>ITEM ENV9/17</b>                                     |
| <b>Subject:</b>      | <b>Mt LINDESAY ROAD WASTE COLLECTION SERVICE UPDATE</b> |

|                                                               |                                                                                                                             |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                             |
| <b>Goal:</b>                                                  | The community is encouraged to implement waste minimization strategies and recycling is fully implemented.                  |
| <b>Strategy:</b>                                              | Promote waste minimization and sustainable waste disposal.                                                                  |
| <b>Action:</b>                                                | Implement and report of a 12 month trial for domestic waste collection at Mt Lindesay Road, from Tenterfield to Urbenville. |

## SUMMARY

The purpose of this report is to provide Council further information to aid making a decision on whether to continue the Mt Lindesay Road waste collection service or otherwise.

## OFFICER'S RECOMMENDATION:

### That:

- (1) Consequent to public survey and 2016/2017 waste pick up trials on Mt Lindesay Road, Council confirms for the 2017/2018 year its preference for a new "user pays- optional" fee of \$219/annum for ratepayers on Mt Lindesay Road for those wanting a fortnightly roadside 120L bin pick up collection service in lieu of the current compulsory service.**
- (2) Council advertise this new fee/charge for 28 days and then bring a report back to Council for fee final adoption.**
- (3) After final adoption, Council write to each ratepayer along Mt Lindesay Road advising; Council having listened to previous community comments, Council's desire now to provide the service only to those users of the service who want the service, and the need for residents who want the service to so confirm the same with Council.**

## BACKGROUND

In the 2016/2017 year Council effected a trial 120L bin pick up service for those residents along Mt Lindesay Road on the route over which a Council truck travels weekly. Like in the urban setting where a pick up service fee of a \$297/ ratable property is applied irrespective of service use, in the first instance a \$297/ annum fee was applied to the Mt Lindesay Road route albeit that such would need to ultimately reflect real cost. The real cost of a pick up service in a spread out rural community is recognized by council staff as ultimately needing to exceed the urban environment purely on economies of scale dealing with a fewer number of pickup locations spread out over the larger area.

Council needs to determine whether the service will continue or not, frequency of service and the charging framework for 2017/2018.

Our Environment No. 9 Cont...

At the 24 May 2017 Ordinary Council Meeting (OCM), Council in minute number 65/17 pertaining to OCM Item Env6/17 'resolved that Fees and Charges Item for the Mt Lindesay Road waste collection service be added to the Operational Plan similar to the fees and charges for bulk bins, subject to a further report back to the June Council meeting'.

The subject of the further report needed to contemplate the feasibility of a 'user pays' model as part of the consideration for continuation of this service (i.e. for those ratepayers who want the service provide such whilst allowing those ratepayers who do not want the service to not participate and not be billed). Also a number of Councilors wanted to understand the practicality of implementing a user pays service as opposed to the current (i.e. all ratepayers be provided the availability of service and be billed for the same whether the service is used or not in keeping with how such services are implemented in some other Councils).

Refer to the previous report ENV6/17 where Council was provided with background to make a decision of either continuing the Mt Lindesay pick up service or abandoning the same (Attachment 9 (Booklet 2)).

## **REPORT:**

### Council Survey

Council conducted a survey of all ratepayers along the Mt Lindesay Road route travelled by Council truck. Of all rate payers surveyed along the route, 66% (inclusive of late submissions) returned their survey forms.

Of the 34% who did not return their forms to indicate a preference one way or another, one could interpret the same as willing to continue receiving the service and the associated charge. However for the purposes of a "user pays" costing model, Council has assumed an uptake of "user pays" service from this 34% in the same proportion to the number of people who returned their survey and stated a desire for service retention.

For those who returned forms, approximately 57% explicitly stated they did not want the service noting a variety of reasons from financial hardship, not enough waste generated, cost of service, and to the owners being absent from their properties a lot of the time.

For those who explicitly stated they wanted the service, reasons predominantly centered around convenience and support for an ageing population who would not be wanting to travel their waste to a transfer station. As recently as last week representations were received articulating the need for this service's continuation citing health and age related reasoning. Within the original survey sent to ratepayers along the route, many were complimentary of Council for providing this service.

### User Pays costing

To get a gauge for the "user pays" opt in cost, Council allowed for the incremental extra costs of the time value of wages and plant time involved with each pick up along with an allowance for administration. These total costs (approximately \$18200) when divided by the number of likely users of the service (79) equated to \$230/ annum per user or \$4.42 per weekly pick up. Note this figure allows for the "pick up only" costs and makes no allowance for the transport and disposal costs of \$4 per 120L bin that transfer station users pay when they take their waste to the transfer station.

Our Environment No. 9 Cont...

A "user pays" service requires consideration of all service elements (i.e. pick up, transport and disposal). A Mt Lindesay Road "user pays" scenario would be \$8.42/ bin (i.e. \$4 for transport and disposal + \$4.42 for the average pick up) or \$438/annum. Note this figure is close to the \$10/120L bin that is already in the 2017/ 2018 Fees and Charges for additional kerbside/ roadside bin collection service.

As the community has already voiced concerns about cost of service, some people not generating enough rubbish to warrant the service and aging population, it is suggested a compromise could be to do what a number of councils do and that is revert to a fortnightly 120L bin pick up and in so doing halve the "user pays" annual 120L bin pick-up fee to \$219/annum.

#### Practicality Discussion

Regarding the practicality of implementing a "user pays" approach to rural pick services outside of the major urban areas, three matters for consideration come to mind;

1. Precedent set for other areas seeking the same. Whilst this approach is out of step with the normal approach of charging all ratepayers along a route whether service is taken up or not, and possibly might be referred to by some communities in the future as a precedent, Council in the future might need to look at similar implementations on the circumstances of the time and just not buy the "precedent" reasoning.
2. Simplicity or otherwise of system administration. Council truck operators need to be able to discern at any point in time who is in the collection scheme and who is not without adding to back office administrative/ system management costs. It has been suggested that people could be putting out bins they have or procure and just not pay for the service. For those that wanted the service they could be provided with a unique sticker to place on the top of their bin for ease of 'paid up' identification and additionally the Council waste collection drivers could be given a means for knowing what ratepayer locations were paying for the service.
3. Re the frequency of service there should not be a combination of some people being provided a weekly service and others a fortnightly service. Such will quickly become unworkable with mistakes being made.

#### Conclusion

Certainly there needs to be a review of waste management over the next 12 months in the context of landfill life left and costs associated with such. In view of the feedback received to date it is worth continuing to provide the 120L bin pickup service, however it is suggested such be implemented over the next 24 months on the basis of a "user pays" model. Ratepayer perceptions and implementation cost effectiveness can be re-evaluated during this time.

#### **COUNCIL IMPLICATIONS:**

1. **Community Engagement / Communication (per engagement strategy)**  
Refer to the engagement outlined in the report body and recommendation.
2. **Policy and Regulation**  
Nil.



Our Environment No. 9 Cont...

**3. Financial (Annual Budget & LTFF)**

Nil

**4. Asset Management (AMS)**

There needs to be review of waste management in 2017/2018 which looks at the waste business, strategy for waste services provision, landfill life extension, and fees and charges needed to cover projected services provision in an increasingly regulated environment.

**5. Workforce (WMS)**

Nil

**6. Legal and Risk Management**

Nil

**7. Performance Measures**

Nil

**8. Project Management**

Nil

**Andre Kompler**  
**Chief Operating Officer**

|                               |                                                                                    |
|-------------------------------|------------------------------------------------------------------------------------|
| Prepared by staff member:     | Andre Kompler, Chief Operating Officer                                             |
| Approved/Reviewed by Manager: | Andre Kompler, Chief Operating Officer                                             |
| Department:                   | Infrastructure, Environment & Regulation                                           |
| Attachments:                  | <b>1</b> Attachment 9 (Booklet 2) - Report to Council - 24 May 2017 <b>3</b> Pages |

|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Corporate, Governance &amp; Community</b> |
| <b>Submitted by:</b> | Chief Corporate Officer                      |
| <b>Reference:</b>    | <b>ITEM GOV33/17</b>                         |
| <b>Subject:</b>      | <b>Finance and Accounts</b>                  |

#### **LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

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

#### **SUMMARY**

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

#### **OFFICER'S RECOMMENDATION:**

**That Council receive and note the Report "Finance and Accounts" for the period ended 31 May 2017.**

#### **BACKGROUND**

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

#### **REPORT:**

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

##### (a) Reconciliation of Accounts

Reconciliation of cash books of all funds have been carried out with the appropriate bank statements as at 31 May 2017.

Cash Book Balances on this date were as follows:-

|                        |    |              |        |
|------------------------|----|--------------|--------|
| General (Consolidated) | \$ | 1,209,101.77 | Credit |
| General Trust          | \$ | 321,533.93   | Credit |

##### (b) Summary of Investments

Attachment 10 (Booklet 2) is a certified schedule of all Council's investments as at 31 May 2017 showing the various invested amounts and applicable interest rates.

Our Governance No. 33 Cont...

### **COUNCIL IMPLICATIONS:**

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

Nil.

#### **2. Policy and Regulation**

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

#### **3. Financial (Annual Budget & LTFP)**

Nil.

#### **4. Asset Management (AMS)**

Nil.

#### **5. Workforce (WMS)**

Nil.

#### **6. Legal and Risk Management**

Nil.

#### **7. Performance Measures**

There has been no adjustment to budget expectations.

#### **8. Project Management**

Nil.

**Kylie Smith**  
**Chief Corporate Officer**

Prepared by staff member: Belinda Savins, GIS Accountant  
Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer  
Department: Corporate, Governance & Community  
Attachments: **1** Attachment 10 (Booklet 2) - Summary of Investments - 31 May 2017 **1** Page

|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Corporate, Governance &amp; Community</b> |
| <b>Submitted by:</b> | Chief Corporate Officer                      |
| <b>Reference:</b>    | <b>ITEM GOV34/17</b>                         |
| <b>Subject:</b>      | <b>Posted Expenditure Report</b>             |

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

## SUMMARY

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

## OFFICER'S RECOMMENDATION:

**That Council receive and note the "Posted Expenditure Report" for the period ended 31 May 2017.**

## BACKGROUND

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

The posted expenditure report for the period ended 31 May 2017 provides information on the percentage (%) of the original budget expended.

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

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

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

## REPORT:

There is one significant item of over-expenditure at 31 May 2017 that remains unfunded, which was identified in the previous report. The following comments relate to project where the expected budget has been exceeded by \$50,000 or more.

### 1. Road Renewal – Gravel Roads

It was anticipated that this project would exceed the budget by \$150,000 as at 30 June 2017. The current over expenditure as at 31 May 2017 is \$164,011.67.

Our Governance No. 34 Cont...

It is estimated that the costs at the end of year will be approximately \$715,000 or \$50,000 more than the revised March 2017 budget. The costs related to the rehabilitation of the roads from the March and April storm events have proven to be higher than first thought.

Council is currently working with the State and Commonwealth Governments to seek out natural disaster funding to assist in the reparation of Council's affected assets.

## **COUNCIL IMPLICATIONS:**

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

Nil.

### **2. Policy and Regulation**

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

### **3. Financial (Annual Budget & LTFP)**

Any amendments that are deemed to be required will be reflected in the March QBR.

### **4. Asset Management (AMS)**

Nil.

### **5. Workforce (WMS)**

Nil.

### **6. Legal and Risk Management**

Nil.

### **7. Performance Measures**

The impact of the change shown in this report are reflected in the performance measures included in the March (QBR).

### **8. Project Management**

Nil.

**Kylie Smith**  
Chief Corporate Officer

Prepared by staff member: Belinda Savins, GIS Accountant  
 Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer  
 Department: Corporate, Governance & Community  
 Attachments: **1** Attachment 11 (Booklet 2) - Capital Expenditure Program 2016/17 - 31 May 2017

3  
Pages

|                      |                                                                            |
|----------------------|----------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Corporate, Governance &amp; Community</b>                               |
| <b>Submitted by:</b> | Chief Corporate Officer                                                    |
| <b>Reference:</b>    | <b>ITEM GOV35/17</b>                                                       |
| <b>Subject:</b>      | <b>ADOPTION OF OPERATIONAL PLAN 2017/18 AND DELIVERY PROGRAM 2017-2021</b> |

|                                                               |                                                                                            |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                            |
| <b>Goal:</b>                                                  | Council achieves excellence in corporate governance                                        |
| <b>Strategy:</b>                                              | Implement strategies, policies and practices to achieve excellence in corporate governance |
| <b>Action:</b>                                                | Undertake all legislative requirements of local government                                 |

## SUMMARY

The purpose of this report is for Council to adopt the four year Delivery Program 2017-2021 and the annual Operational Plan 2017-2018 for Tenterfield Shire Council following public exhibition.

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) Adopt the Delivery Program 2017-2021, as attached;**
- (2) Adopt the Operational Plan 2017-18, as attached;**
- (3) That Council endorses the changes made to the Delivery Program 2017-2021 and Operational Plan 2017-2018 as a result of the exhibition period; and**
- (4) Adopt the annual budget summary by service and 4 year Capital Program.**

## BACKGROUND

All NSW Councils are required to review and reconstruct all of their Integrated Strategic Plans by 30 June in the year following a full Council Election.

In line with the NSW Local Government Integrated Planning and Reporting (IP&R) legislation, Council is required annually to adopt an Operational Plan, including a Revenue Policy which outlines the rates, fees and charges to be made and levied for the upcoming financial year.

The IP&R legislation also requires Councils to construct a four year Delivery Program which sets out the goals and actions of the elected Council during their term in office, in line with the Community Strategic Plan.

Council adopted the draft Delivery Program and draft Operational Plan at its Extraordinary Council Meeting of 12 April 2017 and placed the documents on public exhibition for a period of 28 days for comment by the public.

## REPORT:

During the exhibition period the following is a summary of the submissions received from members of the general public:

Our Governance No. 35 Cont...

| Name                          | Details of Submission                                                                                                                                               |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mingoola Association Progress | Page 115 of the Revenue Policy, Fees & Charges – exception taken to the fees for Council inspections outside 20km radius being \$70 above those inside this radius. |

Verbal submissions were made by Councilor Bronwyn Petrie and Councilor John Martin following the exhibition period and as a result the plan has been amended to include a section at the front of the Delivery Program titled “Navigating Our Plans” and wording at the base of the table alerting the reader to the annual review of the Delivery Program in line with the development of the Annual Operational Plan in accordance with the Office of Local Government Guidelines.

A more detailed budget summary has been included under Appendix E of the document. This appendix is designed to provide a more detailed view of the financial commitment of Council to each service identified in the Operational Plan. The Capital Works Summary has also been adjusted to reflect a four year term of the Delivery Program.

Concerns have also been raised around several fees and charges proposed and these will be addressed by separate report as soon as possible. In the interim the following amendments are proposed.

These changes include the following

| Item | Description                                                                                                                                  | Adjustment                                                           | Page Ref |
|------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------|
| Fee  | Interest charge on outstanding rates and charges                                                                                             | Adjusted from 8.0% to 7.5% in line with Council Circular 17-09       | 98       |
| Fee  | Section 603 certificate                                                                                                                      | Adjusted from \$75.00 to \$80.00 in line with Council Circular 17-09 | 97       |
| Fee  | Memorial hall Set up, Pack up and Cleaning time per hour not included in display document.                                                   | Fee set at 16/17 rate of \$13.50                                     | 121      |
| Fee  | RSL pavilion (Concessional Rate) Non Profit and Charitable Organisations within Tenterfield Shire. Not included in original display document | Fee set at 16/17 rate of \$22.00                                     | 121      |
| Fee  | RSL pavilion Commercial Hire and Charitable Organisations Outside Tenterfield Shire. Not included in original display document               | Fee set at 16/17 rate of \$44.00                                     | 121      |
| Fee  | Kitchen in Memorial Hall of Storage and Preparation of Food – Additional fee. Not included in original display document.                     | Fee set at 16/17 rate of \$75.00                                     | 121      |
| Fee  | RSL Pavilion Bond and Key Deposit- Commercial Groups Not included in original display document.                                              | Fee set at 16/17 rate of \$485.00                                    | 121      |

Our Governance No. 35 Cont...

| Item | Description                                                                                                      | Adjustment                        | Page Ref |
|------|------------------------------------------------------------------------------------------------------------------|-----------------------------------|----------|
| Fee  | RSL Pavilion Bond and Key Deposit-Community Groups (Local/ Non Local) Not included in original display document. | Fee set at 16/17 rate of \$240.00 | 121      |
| Fee  | RSL Pavilion Set up, Pack up and Cleaning time per hour not included in display document.                        | Fee set at 16/17 rate of \$8.50   | 121      |

The proposed changes to the Section 603 certificates and Penalty interest in the updated were advised by Council circular for the commencement of the 2017/18 financial year. The charges for the RSL provision and Memorial Hall have been added to the original document after being inadvertently left out of the draft display document. The fees and charges that are proposed in the final document are the same as the previous financial year.

In addition a number of formatting, grammar and minor updates for accuracy have been recommended by staff and made to the original draft documents and they are reflected in the final documents as attached to this report for final adoption.

### COUNCIL IMPLICATIONS:

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

*Collaborate item.* A multi-facet community engagement program was undertaken for the rebuild of Council's integrated planning suite in-line with Council's Community Engagement Policy and Strategy and the project plan adopted for this project.

The draft documents were subsequently placed on public exhibition for a period of 28 days.

An online video was also produced explaining the key features and items of the new plans and placed on Council's website throughout the exhibition period.

#### 2. Policy and Regulation

- NSW Local Government Act 1993 as amended;
- NSW Local Government (General) Regulations 2005;
- NSW Local Government Integrated Planning and Reporting Guidelines 2010.

#### 3. Financial (Annual Budget & LTFP)

No changes recommended.

#### 4. Asset Management (AMS)

No changes recommended.

#### 5. Workforce (WMS)

No changes recommended.

#### 6. Legal and Risk Management

All draft plans have been constructed given due consideration to Council's strategic and operational risks.



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**7. Performance Measures**

Revised performance measures are outlined for each document within the respective Plans.

**8. Project Management**

N/A

**Kylie Smith**  
**Chief Corporate Officer**

|                               |                                                                                                      |              |
|-------------------------------|------------------------------------------------------------------------------------------------------|--------------|
| Prepared by staff member:     | Kylie Smith, Chief Corporate Officer                                                                 |              |
| Approved/Reviewed by Manager: | Kylie Smith, Chief Corporate Officer                                                                 |              |
| Department:                   | Corporate, Governance & Community                                                                    |              |
| Attachments:                  | <b>1</b> Attachment 12 (Booklet 3) -<br>Delivery Program 2017-2021 and<br>Operational Plan 2017-2018 | 140<br>Pages |

|                      |                                                          |
|----------------------|----------------------------------------------------------|
| <b>Department:</b>   | <b>Chief Executive Office</b>                            |
| <b>Submitted by:</b> | Acting Chief Executive                                   |
| <b>Reference:</b>    | <b>ITEM GOV36/17</b>                                     |
| <b>Subject:</b>      | <b>POSITION OF MANAGER ASSETS &amp; PROJECT PLANNING</b> |

|                                                               |                                                                                                                                                         |
|---------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                                         |
| <b>Goal:</b>                                                  | Council is an employer governed by sound leadership and supported by a committed workforce.                                                             |
| <b>Strategy:</b>                                              | Create a positive organizational culture that develops attitudes, behavior and skills in alignment with Council's mission, vision and corporate values. |

## SUMMARY

The purpose of this report is to address Council Resolution 85/17:

*"Resolved that the two (2) newly created advertised positions of Managers Assets and Governance do not proceed to interview until a case for their creation has been presented to Council and Council resolves to resource these positions as per the requirements of the Local Government Act clauses 332(1) and 332(1)(b)."*

## OFFICER'S RECOMMENDATION:

- (1) That the position of Manager Assets & Project Planning proceed; and**
- (2) A review of the positions of Manager Governance, Information & Performance and Manager HR & Workforce Development be completed by the Acting Chief Executive. Councillors to be advised of the outcome of the Review in accordance with Section 332 (1A) and (1B) of the Local Government Act.**
- (3) Recommendations (1) and (2) are subject to the adoption of the 2017/2018 budget (Section 332 (1)(c) of the Local Government Act).**

## BACKGROUND

Following Council's resolution on 24 May 2017, a detailed memorandum was provided to Councillors substantiating the position of Manager Assets & Project Planning and indicating that the position of Manager Governance, Information & Performance could be reviewed.

A copy of that memorandum is at Attachment 13 (Booklet 4).

## REPORT:

The *Local Government Act* provides Section 332 parts (1A) and (1B):

*"(1A) The general manager must, after consulting the council, determine the positions (other than senior staff positions) within the organization structure of the council.*

*(1B) The positions within the organization structure of the council are to be determined so as to give effect to the priorities set out in the strategic plans (including the community strategic plan) and delivery program of the council."*

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The Manager Governance, Information & Performance in some form, even if merged in some way with the Manager HR & Workforce Development, has a number of important elements that would add value to the organization.

A merged position with some HR policy matters reporting direct to the Chief Executive does not undermine the integrity of the recent restructure, a structure which is the best way to move the organization forward and support Council.

As Acting Chief Executive, I will be here until at least the end of July 2017. The Review does not need to wait for a permanent Chief Executive.

### **COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

- Local Government Act 1993

**3. Financial (Annual Budget & LTFP)**

The 2017/2018 budget, if adopted, can accommodate these positions but a rationalization will assist the budget bottom line.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**David Walker**  
**Acting Chief Executive**

Prepared by staff member: David Walker, Acting Chief Executive

Approved/Reviewed by Manager: David Walker, Acting Chief Executive

Department: Chief Executive Office

|              |                                                                                                                            |             |
|--------------|----------------------------------------------------------------------------------------------------------------------------|-------------|
| Attachments: | <b>1</b> Attachment 13 (Booklet 4) -<br>Memorandum - Justification for<br>Position of Manager Assets &<br>Project Planning | 18<br>Pages |
|--------------|----------------------------------------------------------------------------------------------------------------------------|-------------|

|                      |                                                                    |
|----------------------|--------------------------------------------------------------------|
| <b>Department:</b>   | <b>Chief Executive Office</b>                                      |
| <b>Submitted by:</b> | Acting Chief Executive                                             |
| <b>Reference:</b>    | <b>ITEM GOV37/17</b>                                               |
| <b>Subject:</b>      | <b>ANNUAL REMUNERATION FOR COUNCILLORS AND THE MAYOR 2017-2018</b> |

|                                                               |                                                                                                                            |
|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                            |
| <b>Goal:</b>                                                  | 6.3 – Council’s decision making processes are open and corruption resistant and based on sound integrated planning.        |
| <b>Strategy:</b>                                              | 6.3a – Develop and maintain a planning framework and policies that ensure open, honest and transparent Council operations. |
| <b>Action:</b>                                                | Governance policies prepared and existing policies reviewed regularly and access to Council’s policies provided.           |

## SUMMARY

The purpose of this report is to address the recent determination of the NSW Local Government Remuneration Tribunal which handed down an increase in the fees payable to Councillors and the Mayor of 2.5% for the 2017/2018 financial year.

The increase applies to both the minimum and maximum allowable rates for both Councillors and the Mayor. Council is required to determine at which rate it sets fees for both Councillors and the Mayor within the minimum and maximum allowable amounts for the upcoming financial year.

## OFFICER’S RECOMMENDATION:

### That:

- (1) The report and determination of the NSW Remuneration Tribunal 2017 be noted; and**
- (2) Council sets the level of fees payable to Councillors at \$11,570 per annum effective from 1 July 2017 to 30 June 2018; and**
- (3) Council sets the fee payable to the Mayor at \$25,250 per annum effective from 1 July 2017 to 30 June 2018; and**
- (4) The 2017/2018 Operational Plan budget (Councillor and Mayoral Fees) be increased by an amount of \$950 to cover the 2.5% increase.**

## BACKGROUND

The full report of the Local Government Remuneration Tribunal (the Tribunal) is included at Attachment 14 (Booklet 4) and is also available at [www.remtribunals.nsw.gov.au](http://www.remtribunals.nsw.gov.au)

The Local Government Remuneration Tribunal is required to report to the Minister for Local Government by 1 May each year as to its determination of categories and the maximum and minimum amounts of fees to be paid to Mayors, Councillors, and Chairpersons and Members of County Councils.

Our Governance No. 37 Cont...

Since the making of the 2016 determination, a number of Councils have been amalgamated resulting in the creation of 20 new Councils. The impact of those structural changes is an overall reduction in the number of Councils in NSW from 152 to 128. This significant change has prompted a review of the existing categories and the allocation of Councils into each of those categories.

In undertaking the review the Tribunal examined the existing categories, a range of statistical and demographic data and considered the views of Councils and Local Government NSW. Having regard to that information, the Tribunal has determined a categorization model which differentiates Councils primarily on the basis of their geographic location. Other factors which differentiate Councils for the purpose of categorization include population, the sphere of the Council's economic influence and the degree of regional servicing.

In accordance with section 239 of the *Local Government Act 1993*, the categories of general purpose Councils are determined as follows:

| <b>Metropolitan</b>       | <b>Non-metropolitan</b>       |
|---------------------------|-------------------------------|
| • Principal CBD (1)       | • Regional City (2)           |
| • Major CBD (1)           | • Regional Strategic Area (2) |
| • Metropolitan Large (8)  | • Regional Rural (37)         |
| • Metropolitan Medium (9) | • Rural (57)                  |
| • Metropolitan Small (11) |                               |

Tenterfield Shire Council remains classified in the *Rural* category.

Council can choose to set their fees at either the maximum rate prescribed for the category or a lesser rate above the minimum for the category. Previously Tenterfield Shire Council has elected to set the Councillor fee and the Mayoral fee at the upper level of the respective categories.

#### **REPORT:**

The Tribunal has determined the following range for the Rural category for the 2017-2018 financial year:

|                 |                     |
|-----------------|---------------------|
| All Councillors | \$8,750 to \$11,570 |
| Mayor           | \$9,310 to \$25,250 |

In the 2016-2017 financial year Councillor remuneration was set as follows:

|                 |           |
|-----------------|-----------|
| All Councillors | \$11,290  |
| Mayor           | \$24,630  |
| Total           | \$137,530 |

If Council were to apply the annual increase of 2.5% in determining the Councillor and Mayoral fees for 2017-2018, the following fees would apply.

|                 |           |
|-----------------|-----------|
| All Councillors | \$11,570  |
| Mayor           | \$25,250  |
| Total           | \$140,950 |

The 2017/2018 Operational Plan budget includes an allocation for Councillor and Mayoral fees in the amount of \$140,000.

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### **COUNCIL IMPLICATIONS:**

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

Nil required.

**2. Policy and Regulation**

As determined by the Local Government Tribunal under Sections 239 and 241 of the *Local Government Act 1993*.

Relates to Council's *Payment of Expenses and Provision of Facilities to Councillors* Policy.

**3. Financial (Annual Budget & LTFFP)**

There is a total budget allocation of \$140,000 in the 2017/2018 Operational Plan budget for Councillor and Mayoral fees. This will require an adjustment of \$950 to cover the 2.5% increase.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**David Walker**  
**Acting Chief Executive**

Prepared by staff member: Noelene Hyde, Executive Assistant & Media  
Approved/Reviewed by Manager: David Walker, Acting Chief Executive  
Department: Chief Executive Office  
Attachments: **1** Attachment 14 (Booklet 4) - Local Government Remuneration Tribunal Annual Report & Determination - 12 April 2017 25 Pages

|                      |                                              |
|----------------------|----------------------------------------------|
| <b>Department:</b>   | <b>Corporate, Governance &amp; Community</b> |
| <b>Submitted by:</b> | Chief Corporate Officer                      |
| <b>Reference:</b>    | <b>ITEM GOV38/17</b>                         |
| <b>Subject:</b>      | <b>INVESTMENT - DRAFT POLICY 1.091</b>       |

|                                                               |                                                                                                             |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                             |
| <b>Goal:</b>                                                  | Council achieves excellence in corporate governance.                                                        |
| <b>Strategy:</b>                                              | Develop strategies, policies and practices to enable Council to achieve excellence in corporate governance. |
| <b>Action:</b>                                                | Continue to monitor policies, practices and processes with the aim of continuous improvement.               |

## SUMMARY

The purpose of this report is to enable Council to review the existing Investment Policy which was previously adopted in May 2015.

## OFFICER'S RECOMMENDATION:

**That Council adopts the draft Investment Policy 1.091 as per the attachment.**

## BACKGROUND

Section 625(2) of the Local Government Act 1993 provides that Council may only invest funds in a form of investment notified by order of the Minister for Local Government published in the Government Gazette. The Minister last issued an Investment Order on 12 January, 2011.

The proposed Investment Policy was put on public exhibition for a period of fourteen (14) days with submissions closing Monday, 12 June 2017. One (1) submission was received from Mrs Cheryl Jaques with the details articulated hereunder.

## REPORT:

In her submission, Mrs Jaques complements the focus on capital preservation, no borrowing to invest and the provision of physical evidence of each investment. She also raises the following concerns:

1. There should be a requirement for investment advisors to have professional indemnity insurance.

**Response:** Council already has a procedure that requires evidence of appropriate insurances being provided before engaging contactors.

2. Term maturity should reflect the need to align operational requirements rather than presenting as a fixed share for the year.

**Response:** Council Officers already invest according to operational needs. The limitation on the length of investment terms is to limit Council's exposure to risk. By taking longer investment terms, Council has a higher risk of losing its investment.

3. Greater alignment between sub components.

**Response:** Section 3.9 of the Policy adjusted to report breaches of the Policy as part of the monthly reporting schedule should a breach occur.

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4. Individual Managers – item isn't clear as to who is the recipient of the reporting breaches or timing of reports.

**Response:** See above (Section 3.9 of the Policy adjusted).

5. Officers' delegated authority isn't clear.

**Response:** Council delegate the responsibility for investments to the Chief Executive. The Chief Executive then delegates this responsibility to officers where appropriate. This is an operational matter and doesn't require mention in the policy.

The Minister's Orders allow the following forms of investment:

- a) Any public funds or securities issued or guaranteed by the Commonwealth, any State of the Commonwealth or a Territory;
- b) Any debentures or securities issued by a council;
- c) Interest Bearing Deposits with, or any debentures or bonds issued by, an authorised deposit taking institution (excluding subordinated debt obligations);
- d) A deposit with the New South Wales Treasury Corporation or investments in an Hour-Glass investment facility of the NSW Treasury Corporation.

Any investments made before the date of the current order which were made in compliance with previous Ministerial Orders are taken to be in compliance with the current order (referred to in the Order as Transitional Arrangements).

The revised draft Investment Policy has been modified to improve Council's investment risk profile by providing Council with a wider range of Australian Financial Institutions to invest with. This will be achieved by using Standard and Poor's credit rating to select Council's investments rather than limiting it to a few named financial institutions. By investing with more institutions, Council will reduce its risk by reducing its exposure to any one financial institution.

#### **COUNCIL IMPLICATIONS:**

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

N/A.

##### **2. Policy and Regulation**

This Investment Policy is compliant with the Local Government Act 1992, Local Government (General) Regulations and the Ministerial Investment Order.

##### **3. Financial (Annual Budget & LTFFP)**

The investment of funds contributes to the income of Council, however the risks associated with investment are a primary consideration. Councils broader obligations are noted in the Ministers Orders (refer "Key Considerations").

##### **4. Asset Management (AMS)**

N/A

##### **5. Workforce (WMS)**

N/A



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#### **6. Legal and Risk Management**

The policy has been developed to comply with the provisions of the Local Government Act, 1993, Local Government (General) Regulation 2005, Ministerial Investment Order, Local Government Code of Accounting Practice and Financial Reporting, Australian Accounting Standards and Division of Local Government Circulars.

#### **7. Performance Measures**

The recommended changes to the revised policy will help to strengthen the policy objectives. By providing a wider range of financial institutions to invest in, Council will help to further protect the investments while helping to ensure that Council maximises its returns.

#### **8. Project Management**

N/A

**Kylie Smith**  
**Chief Corporate Officer**

|                               |                                                                    |            |
|-------------------------------|--------------------------------------------------------------------|------------|
| Prepared by staff member:     | Andrew Wright, Manager Finance                                     |            |
| Approved/Reviewed by Manager: | Kylie Smith, Chief Corporate Officer                               |            |
| Department:                   | Corporate, Governance & Community                                  |            |
| Attachments:                  | <b>1</b> Attachment 15 (Booklet 4) -<br>Investment Policy No 1.091 | 6<br>Pages |

|                      |                                                     |
|----------------------|-----------------------------------------------------|
| <b>Department:</b>   | <b>Corporate, Governance &amp; Community</b>        |
| <b>Submitted by:</b> | Chief Corporate Officer                             |
| <b>Reference:</b>    | <b>ITEM GOV39/17</b>                                |
| <b>Subject:</b>      | <b>Related Party Disclosure Policy - New Policy</b> |

|                                                               |                                                                                                                             |
|---------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                             |
| <b>Goal:</b>                                                  | Direction 6.3 – Council’s decision making processes are open, accountable and based on sound integrated planning.           |
| <b>Strategy:</b>                                              | 6.3a – Develop and maintain a planning framework and policies that ensures open, honest and transparent Council operations. |
| <b>Action:</b>                                                | Governance policies prepared and existing policies reviewed regularly and access to Council’s policies provided.            |

## SUMMARY

The purpose of the report is to present to Council a Related Party Disclosure Policy for adoption.

## OFFICER’S RECOMMENDATION:

### That Council:

- (1) Adopts the draft Related Party Disclosure Policy as per the attachment; and**
- (2) Places the Related Party Disclosure Policy on public exhibition for a period of 14 days.**

## BACKGROUND

From 1 July 2016 Accounting Standard AASB 124 Related Party Disclosures became operative. This means that Council must disclose in its Annual Financial Statements transactions, outstanding balances and commitments with “related parties”.

On 14 June 2017, the draft Policy was presented to the Council Workshop following the Council resolution of the Ordinary Meeting of 24 May 2017:

### ***“Resolution 71/17***

*Resolved that the item be adjourned to the next Council meeting and issues dealt with at the scheduled June 2017 Councillor workshop.”*

### **What is a related party?**

A “related party” is a person or entity that is related to the entity that is preparing its financial statements. For the purpose of the policy “related parties” include –

- The Mayor
- Councillors
- Chief Executive Officer
- Chief Officers
- Personnel required to complete the *Disclosure by Councillor & Designated Persons Return*
- Close family members of the Mayor, Councillors, Chief Executive Officer, Chief Officers and Personnel required to complete the *Disclosure by Councillor & Designated Persons Return*

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- Entities controlled or jointly controlled by the Mayor, Councillors, Chief Executive Officer, Chief Officers and Personnel required to complete the *Disclosure by Councillor & Designated Persons Return*, or their close family members.

The Mayor, Councillors, Chief Executive Officer, Chief Officers and Personnel required to complete the *Disclosure by Councillor & Designated Persons Return* are defined as "Key Management Personnel" (KMP). AASB 124 defines KMP as those persons that have responsibility to "plan, direct and control" the activities of Council.

### **New information needs to be collected from Council's KMP to comply with AASB 124**

To comply with AASB 124, Council needs to collect information from its KMP to identify related party relationships and transactions.

The proposed policy requires all KMP to periodically provide a Related Party Disclosure notifying any existing or potential related party transactions between Council and related parties. After transactions are verified in Council's business systems the information will be added to a Register of Related Party Transactions.

Council's KMP are accustomed to making disclosures under various returns, however AASB 124 also requires disclosures of material transactions in the financial statements.

Under the Policy, the Related Party Disclosures made by KMP and the Register of Related Party Transactions are not intended to be available for inspection by the public, although the reporting of transactions and relationships will be. Where material transactions have occurred they will be disclosed in the financial statements either separately or in aggregate (eg Council's KMP remuneration).

### **When will the information be collected?**

KMP must complete a "Related Party Disclosure by Key Management Personnel" Return notifying of any (ie regardless of value) existing or potential related party transactions between Council and either themselves, their close family members or entities controlled or jointly controlled by them or any of their close family members by no later than the following periods during a financial year:

- a) 30 days after the commencement of the application of the Policy;
- b) 30 days after a KMP commences or ceases their term or employment with Council;
- c) 30 June each year.

### **REPORT:**

#### **What are Related Party Transactions?**

A related party transaction is defined as a transfer of resources, services or obligations between the Council and a related party (regardless of whether a price is charged).

Examples of Related Party Transactions include:

- a) Purchases or sales of goods;

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- b) Purchases or sales of property or other assets;
- c) Rendering or receiving of services;
- d) Rendering or receiving of goods;
- e) Leases;
- f) Transfers under licence agreements;
- g) Transfers under finance arrangements (eg loans);
- h) Provision of guarantees (given or received);
- i) Commitment to do something if a particular event occurs or does not occur;
- j) Settlement of liabilities on behalf of Council or by Council on behalf of that related party.

Examples of Related Party Transactions are:

1. Council entered into a cleaning contract with a company which is controlled by a member of its KMP;
2. Council purchasing aggregate concrete from a company which has a member of Council's KMP as a Director;
3. Close family members of Council's KMP are employed by Council under the relevant pay award on an "arms length" basis.

However a KMP is not required to notify in a related party disclosure, related party transactions that are *ordinary citizen transactions*.

### **What are ordinary citizen transactions?**

Ordinary citizen transactions are transactions made on an "arms length" basis that an ordinary citizen would undertake with Council.

Examples of ordinary citizen transactions assessed to be not material in nature are:

- a) Paying rates and utility charges;
- b) Using Council's public facilities after paying the corresponding fee;
- c) Paying dog registration fees.

Other exclusions include:

- a) The Mayor and Councillors expenses incurred and facilities provided during the financial year under Council's Payment of Expenses and Provision of Facilities to Councillors Policy, the particulars of which are contained in Council's Annual Report pursuant to the Local Government (General Regulation) 2005 clause 217.

### **What information will be disclosed in the financial statements?**

The Standard requires disclosure of material transactions with related parties.

Disclosure will include:

1. KMP compensation in aggregate;
2. Details of transactions with KMP and their close family members which will disclose:

Our Governance No. 39 Cont...

- a) The nature of the related party relationship;
- b) The amount of the transaction;
- c) The amount of any outstanding balances, including commitments, and their terms and conditions;
- d) Any provision for doubtful debts related to an outstanding balance and any expense recognised during the period in respect to bad or doubtful debts.

As a general rule, Council will utilize \$10,000 as the threshold for materiality for disclosure. Under the proposed policy, information contained in periodic Related Party Disclosures and personal information contained in the Register of Related Party Transactions will not be accessible under the Government Information (Public Access) Act 2009 [GIPA]. Reported information will be publicly available.

Examples of how Related Party Transactions will be reported are included in the Local Government Code of Accounting Practice and Financial Reporting (Update 25) Pages A134-A136.

### **COUNCIL IMPLICATIONS:**

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

The draft policy will be advertised for comment for a period of 14 days following adoption by Council.

#### **2. Policy and Regulation**

- *Local Government Act 1993*
- Policy 1.160 - Payment of Expenses and Provision of Facilities to Councillors Policy
- Code of Conduct
- Procedures for Councils Administration of the Code of Conduct
- Privacy Management Plan
- Local Government Code of Accounting Practice and Financial Regulation
- AASB 124

#### **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. 39 Cont...

Prepared by staff member: Andrew Wright, Manager Finance  
Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer  
Department: Corporate, Governance & Community  
Attachments: **1** Attachment 16 (Booklet 4) - Draft 16  
Related Party Disclosure Policy Pages

|                      |                                                                                           |
|----------------------|-------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Infrastructure, Environment &amp; Regulation</b>                                       |
| <b>Submitted by:</b> | Chief Operating Officer                                                                   |
| <b>Reference:</b>    | <b>ITEM GOV40/17</b>                                                                      |
| <b>Subject:</b>      | <b>MT MCKENZIE COMMUNICATION TOWER FACILITY SHARING LICENCE AGREEMENT - NOVATION DEED</b> |

|                                                               |                                                                                                                                |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b> |                                                                                                                                |
| <b>Goal:</b>                                                  | Council has a long-term vision based on principles of sustainability.                                                          |
| <b>Strategy:</b>                                              | 6.1b – Ensure financial strategies underpin the Council’s asset management policies and strategic vision.                      |
| <b>Action:</b>                                                | Fit for the Future Action Plans: Land and property assets review for properties owned by Council that could be sold or leased. |

## SUMMARY

The purpose of this report is to inform Council on the request for a Novation Deed and transfer of the current Facility Sharing Licence Agreement at Council’s digital communications tower on Mt McKenzie.

## OFFICER’S RECOMMENDATION:

### That Council:

- (1) Execute the Novation Deed, and approve the Chief Executive to sign the Novation Deed; and**
- (2) Action a new Facility Sharing Licence Agreement with Network Investments Pty Ltd for an initial period of five (5) years with two (2) options to extend, each being for a further five (5) years; and**
- (3) Execute a new Facility Sharing Licence Agreement with Network Investments Pty Ltd for an initial period of five (5) years with two (2) options to extend, each being for a further five (5) years, with the same being signed by the Chief Executive and the Mayor under the Seal of Council.**
- (4) Approve that the Chief Executive be authorised to execute the 2 x options to extend.**

## BACKGROUND

Currently Northern Rivers Television Pty Ltd ACN 062 851 629 a subsidiary of Southern Cross Austereo Pty Ltd ACN 109 243 110 have a Facility Sharing Licence Agreement dated 1 October 2009 with Tenterfield Shire Council.

Northern Rivers Television Pty Ltd have recently sold their northern NSW television transmission assets to Network Investments Pty Ltd ACN 618 203 679 a subsidiary of WIN Television Network Pty Ltd ACN 008 589 026 through an Asset Sale Agreement (ASA) dated 19 May 2017.

Council was advised by email on 26 May 2017 (a copy of which is at Attachment 17 (Booklet 4)), upon which Southern Cross Austereo Pty Ltd, General Counsel and Company Secretary requested that a Novation Deed (a copy of which is at Attachment 18 (Booklet 4)) be executed by Tenterfield Shire Council with Northern Rivers

Our Governance No. 40 Cont...

Television Pty Ltd (retiring party) and Network Investments Pty Ltd (substitute party) which effectively transfers the existing Facility Sharing Licence Agreement from one party to the other.

**REPORT:**

Network Investments Pty Ltd ACN 618 203 679 a subsidiary of WIN Television Network Pty Ltd will continue to provide the transmission of all three (3) digital television services, those being channels Prime 7, NBN 9 with channel WIN 10 being the transmission of WIN television services.

The existing Facility Sharing Licence Agreement (a copy of which is at Attachment 19 (Booklet 4)), is still in force on a year to year commitment by Tenterfield Shire Council and Northern Rivers Television Pty Ltd. Current income per annum (CPI increased) is \$12,032.73 (EX GST) - \$13,236.00 (INCL GST).

It is recommended that Tenterfield Shire Council firstly execute the Novation Deed, with Council approving the Chief Executive to sign the Novation Deed to ensure this is in place and then action a new Facility Sharing Licence Agreement with Network Investments Pty Ltd for an initial period of five (5) years with two (2) options to extend, each being for a further five (5) years. Council's legal firm Jennings & Kneipp, have reviewed the Novation Deed and recommended that Council execute the document with the specified parties.

The new Facility Sharing Licence Agreement with Network Investments Pty Ltd for a period of five (5) years would be signed by the Chief Executive and the Mayor under the Seal of Council. The 2 x options to extend would be approved by the Chief Executive.

**COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

Once in force, Council will be required to maintain responsibility for the Facility Sharing Licence Agreement for the duration.

**3. Financial (Annual Budget & LTFP)**

Legal fees for the drafting of the Facility Sharing Licence Agreement will be applicable and are within the current budget and proposed draft financial year 17/18 budget.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

A formal license agreement will be required to provide legal tenure for Network Investments Pty Ltd ACN 618 203 679 communications infrastructure at the Mt McKenzie digital site as specified in the report.



Our Governance No. 40 Cont...

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Andre Kompler**  
**Chief Operating Officer**

Prepared by staff member: David Stewart, Manager Property & Environmental Services

Approved/Reviewed by Manager: Andre Kompler, Chief Operating Officer

Department: Infrastructure, Environment & Regulation

Attachments:

|          |                                                                                                                                     |          |
|----------|-------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>1</b> | Attachment 17 (Booklet 4) - Email - Northern Rivers Television Pty Ltd - Novation of Mt McKenzie Facility Sharing Licence Agreement | 2 Pages  |
| <b>2</b> | Attachment 18 (Booklet 4) - Copy of Novation Deed                                                                                   | 11 Pages |
| <b>3</b> | Attachment 19 (Booklet 4) - Existing Facility Sharing Licence Agreement                                                             | 9 Pages  |

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**(ITEM RC7/17) REPORT OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE - 1 JUNE 2017**

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**REPORT BY:** Peter Petty, Chairperson, Mayor

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 1 June 2017. Minutes of the meeting are attached.

**RECOMMENDATION**

- (1) That the report of the Tenterfield Shire Local Traffic Committee meeting of 1 June 2017 be received and noted; and further
- (2) That Council offers no objections to the use of roads such as Amosfield Road and Mount Lindesay Road associated with the Cycle QLD event on 7 September 2017 subject to Police, approval and standard conditions; and further
- (3) That Council offers no objections to the use of roads such as Mount Lindesay Road, Beaury Creek Road and Grahams Creek Road associated with the Woodenbong Trailbike Ride to be held on the new dates of 17/18 June 2017 subject to Police approval and standard conditions; and further
- (4) Two (2) no stopping signs be installed in the section directly in front of the bus bay inline with the area where the children wait for the buses to prevent conflict with children and buses located in Douglas Street between the hours of 8am-9:30am and 2:30-4pm on school days to coincide with drop off and pick up times; and further
- (5) Council Rangers to investigate on weekdays and weekends to determine the times that heavy vehicles are utilising the Industrial Estate for parking and report back to the next LTC meeting. Also, Council to investigate with RMS the possibility of constructing a designated heavy vehicle parking area in line with the construction of the bypass as a wider solution for a wide stand to benefit truck drivers; and further
- (6) That Council installs an additional "No Stopping" sign with right arrow at the specified location in Manners Street to allow for a closed "No Stopping" Zone in conjunction with the existing "No Stopping" sign with left arrow near Whereat Lane.

**ATTACHMENTS**

- 1 Minutes of Meeting 10 Pages



**MINUTES OF**  
**TENTERFIELD SHIRE LOCAL TRAFFIC**  
**COMMITTEE MEETING**  
**THURSDAY, 1 JUNE 2017**

MINUTES OF THE **Tenterfield Shire Local Traffic Committee Meeting** OF TENTERFIELD SHIRE held at the Council Chambers on Thursday, 1 June 2017 commencing at 10.15 am

**ATTENDANCE**

Councillor Peter Petty (Mayor - TSC)  
Councillor Gary Verri (TSC)  
Glen Lamb - Representative for The Hon Thomas George, MP (Member for Lismore)  
Troy Keep (NSW Police)  
Daniel Willis (NSW Police)

**ALSO IN ATTENDANCE**

Chief Operating Officer (Andre Kompler)  
Works Manager (James Paynter)  
Engineering Officer (Jessica Gibbins)

*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.*

**DISCLOSURE OF INTERESTS**

Nil.

**APOLOGIES:**

**Resolved** that the apologies of Stefan Wielebinski (NSW RMS), The Hon Thomas George, MP and Councillor Tom Peters (TSC) be received and accepted.

(GL/PP)

*Chairperson Mayor Peter Petty opened the meeting and welcomed new staff member Andre Kompler to the Committee.*

**CONFIRMATION OF MINUTES**

**Resolved** that the Minutes of the Tenterfield Shire Local Traffic Committee held on 2 February 2017, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(PP/GV)

**BUSINESS ARISING FROM PREVIOUS MINUTES**

**1. ROAD SAFETY CONCERN – INTERSECTION OF NEW ENGLAND HIGHWAY AND BRUXNER WAY, TENTERFIELD**

The intersection of New England Highway and Bruxner Way/Old Ballandean Road has been tabled for consideration at previous meetings. Peter Lane, Manager Program Delivery, Roads and Maritime, Northern, discussed possible improvements at the intersection of New England Highway and Bruxner Way/Old Ballandean Road at the last meeting held in February 2017.

In the absence of Stefan Wielebinski, Councils Engineering Officer tabled Stefan's emailed response to each of the Agenda items. Stefan advised by email that *RMS continues to pursue the installation of a vehicle activation sign (VAS) as soon as possible. RMS continues to seek funding for intersection improvements.*

Troy Keep mentioned that there has been some improvements made at this intersection.

Ongoing.

**2. TENTERFIELD ANZAC DAY – 25 APRIL 2017**

Application received from Tenterfield RSL Sub-Branch regarding Anzac Day activities on 25 April 2017 was tabled for consideration at the February meeting.

**ACTION:**

Council's Engineering Officer advised the Committee that a Road Occupancy Licence was received by RMS. Police Approval was received. Council issued approval under section 144 of the Roads Act 1993 on 3 April 2017 to the event organisers for the holding of the above event.

No further action required.

**3. KILLARNEY P-10 STATE SCHOOL P&C BORDER RANGES TRAIL RIDE**

Border Ranges Trail Ride event was held on 25, 26 March 2017 using road crossings on Mount Lindesay Road at Lower Acacia and Carters Road/Mount Lindesay Road.

**ACTION:**

Council's Engineering Officer advised the Committee that Development Approval was issued by Council on 24 March 2017 which included neighbour notification due to the use of private property.

Council issued approval under section 144 of the Roads Act 1993 on 2 March 2017 to the event organisers for the holding of the above event with designated crossings on Mount Lindesay Road.

An email was received by the event organiser post event advising that the event went well with perfect weather conditions. No incidents were reported to Council.

No further action required.

**4. EVENT REQUEST – URBENVILLE SHORT COURSE RALLY – 22 APRIL 2017**

Council was advised of this proposed event to be held on Saturday 22 April 2017. This same event was held last year on 28 May 2016 which included closure of Beaury Creek Road from the junction of Tooloom Road to the intersection of Urbenville Road. The event was held on Saturday 22 April 2017.

**ACTION:**

Council's Engineering Officer advised the Committee that Council issued approval under section 144 of the Roads Act 1993 on 3 April 2017 to the event organisers for the holding of the above event with a waiver signed by the event organizer regarding the road condition. A post inspection was carried out by Council staff and the road was in satisfactory condition.

Council's Works Manager, James Paynter advised the Committee that the floods damaged the roads to be used in the event so Council arranged machinery to do a touch up of the roads in question. Council Verri mentioned that the event went well and the community was very positive.

No further action required.

**5. EVENT REQUEST – BRUSH WITH VERSE – PROPOSED ROAD CLOSURE – 30 MARCH 2017**

Council received a request from "A Brush with Verse" community group requesting temporary road closure of High Street section between Rouse Street (New England Highway) and Whereat Lane for the holding of a public assembly/ street party in conjunction with the Oracles Festival on 30 March 2017 between hours of 7pm to 10pm.

**ACTION:**

Council's Engineering Officer advised the Committee that Council issued approval under section 144 of the Roads Act 1993 on 27 March 2017 to the event organisers for the holding of the above event however the event was postponed due to extreme weather conditions. Council issued approval on 16 February 2017 in accordance with the provisions of Section 68 of the Local Government Act 1993.

No further action required.

**6. REQUEST FOR A SPEED REDUCTION KILLARNEY ROAD**

Council received a request from a resident requesting a speed reduction from 100k/hr to 80k/hr on Killarney Road, between the QLD/NSW border to Legume.

**ACTION:**

In the absence of Stefan Wielebinski, Council's Engineering Officer tabled Stefan's emailed response. Stefan advised by email that:

*RMS still waiting to receive traffic and speed data from TSC. An initial inspection suggests that it is unlikely that the speed limit would be reduced.*

- a. The roadside development is rural.*
- b. Crash rate is low (2 injury crashes between 1 July 2011 and 30 June 2016) over 9.8km.*
- c. The road width and condition is suitable, and typical for a 100 km/h speed limit.*
- d. Any hazards on the road can be more effectively addressed with linemarking, advisory and warning signage.*

Council's Works Manager advised that he will arrange traffic count data to be sent to RMS. The intersection has been inspected, there is some pavement failures and resealing required. Pavement repairs will be carried out adjacent to the intersection with Acacia Plateau Road and on the bridge approx. 500m from Legume. Reseals will also be undertaken in these areas as funding permits. Works have to be prioritised due to limited funding. Mayor Peter Petty commented that Council is supportive of the allocated funding in the budget.

RMS to conduct a speed zone review at this location and report back to the Committee.

Ongoing.

**7. TOOLOOM FALLS SIGNAGE REQUEST**

Council received a request from Urbenville Progress Association requesting a larger sign indicating the Tooloom Falls.

**ACTION:**

Council's Engineering Officer advised the Committee that Council initially provided information to RMS regarding facilities that are available at this site including toilets, camping & BBQ's. RMS were in the process of providing assistance with a design of a sign at this location & advance signposting if warranted. Council had been liaising with National Parks & Wildlife Services (NPWS) regarding the facilities

at this site to enable a larger sign, however the facilities available are currently under review.

Stefan advised by email that *RMS is waiting for further information from TSC to allow for signs to be designed.*

Councillor Verri mentioned that the spelling of "Tenterfield" on the NPWS Tooloom Falls Lookout Sign is spelt incorrectly.

Council will investigate the spelling and will continue to liaise with NPWS and RMS regarding facilities so that a larger sign may be designed.

Ongoing.

#### **8. VISIBILITY ISSUE IN HIGH STREET, TENTERFIELD – REQUEST FROM A RESIDENT**

A resident who accesses their property from High Street requested the car parking spot directly next to the driveway access be removed as it is difficult for the resident to see past a parked vehicle.

#### **ACTION:**

Council's Engineering Officer advised the Committee that RMS inspected and provided advice to Council. Council have removed the parking bay & have re-erected no parking signs and white pavement paint has been removed at this location.

No further action required.

#### **9. EVENT REQUEST – URBENVILLE ANZAC DAY MARCH – 25 APRIL 2017**

The application received from Urbenville RSL Sub-Branch regarding Anzac Day activities on 25 April 2017 was tabled for consideration at the February meeting.

#### **ACTION:**

Council's Engineering Officer advised the Committee that Council issued approval under section 144 of the Roads Act 1993 on 3 April 2017 to the event organisers for the holding of the above event.

No further action required.

#### **10. ROAD SIGNS LOCATED ON THE APPROACHES OF TENTERFIELD**

Council's previous Director of Engineering Services raised the issue of road signs at the northern approach to the town of Tenterfield, which are detracting from the visual amenity at the entrance to Town. One sign in particular, being the Road Safety Sign/Structure is in poor condition and has a negative impact on visitors coming to our area. There is also a plethora of advertising signs within the road reserve and adjacent private property that would appear to be unapproved and which are a visual distraction.

**ACTION:**

Stefan advised by email that *RMS is investigating the removal of a banner structure at the intersection of Bruxner Way and New England Highway. All other signs are advertising signs on private property, or unauthorised signs (e.g. brown "population" signs). Council should remove unauthorised signage, and may investigate whether advertising signs were approved through the proper DA process.*

Council Officers to liaise with Town Planning to investigate which signs are approved and which ones are unapproved.

Ongoing.

**GENERAL BUSINESS**

**1. EVENT REQUEST –CYCLE QUEENSLAND– 7 SEPTEMBER 2017**

Council's Engineering Officer advised the Committee that an email was received from Cycle QLD regarding their 9-day cycling event which will occur in September 2017 requesting approval for using Amosfield and Mount Lindesay Road whilst passing through Tenterfield Shire.

Council is currently liaising with the event organiser to ensure the "Special Events Transport Management Plan - Template" application checklist is completed including public liability, proposed route, notification to emergency services. Information Circulated via email to the Committee.

**RECOMMENDATION**

That Council offers no objections to the use of roads such as Amosfield Road and Mount Lindesay Road associated with the Cycle QLD event on 7 September 2017 subject to Police, approval and standard conditions.

Police Rep- Y  
RMS Rep- Y (by email)  
Council Rep- Y  
MP Rep - Y

**2. EVENT REQUEST – WOODENBONG TRAIL BIKE RIDES 2017**

Council's Engineering Officer advised the Committee that an application was received by Australian Dirt Bike Adventures for holding of their annual TrailBike Event utilising road crossings on Mount Lindesay Road, Beaury Creek Road and Grahams Creek Road for 13 & 14 May weekend.

**ACTION:**

An email was circulated to the Local Traffic Committee outside the scheduled meeting dates with no objections being received providing Police approval & standard conditions issued.

Police approval was received for the event. A Development Approval for the event has also been issued by Council with neighbour notification being carried out. The dates have been changed due to weather conditions. The new date proposed is 17/18 June weekend.



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**RECOMMENDATION**

That Council offers no objections to the use of roads such as Mount Lindesay Road, Beaury Creek Road and Grahams Creek Road associated with the Woodenbong Trailbike Ride to be held on the new dates of 17/18 June 2017 subject to Police approval and standard conditions.

Police Rep- Y  
RMS Rep- Y (by email)  
Council Rep- Y  
MP Rep - Y

**3. PETER ALLEN FESTIVAL**

The Business Chamber of Commerce, Industry and Tourism has advised that in September 2018, it is proposed that Tenterfield will be holding the Peter Allen Festival which will involve temporary road closure of the New England Highway section between High Street and Manners Street for the purpose of holding a street parade and functions. More details to be tabled at the meeting.

Mayor Peter Petty advised the Committee that the times proposed for the road closure of Rouse Street (New England Highway) were 11am to 3pm on the Saturday 8<sup>th</sup> September 2017 with activities occurring from the 7<sup>th</sup> to the 9<sup>th</sup> September 2017. More detail will be provided at a later date but at this stage the Sub Committee are looking at the possibility of the road closure. Troy Keep mentioned that there is no bypass for heavy vehicles.

Stefan advised by email that *Any road closure of the New England Highway will require a Road Occupancy License. If the closure is planned for anything more than a few minutes, a suitable detour should be made available, that is suitable for B-Double trucks. RMS would prefer the activities to take place on a road other than a major highway.*

Council's Chief Operating Officer advised the Committee that a temporary detour using Logan and Pelham Streets may be achievable. Council will investigate to see if an alternate detour route for heavy vehicles can be achieved and will report back to the next LTC meeting.

**4. PARKING ISSUES IN DOUGLAS STREET, TENTERFIELD (ST JOSEPH'S PRIMARY SCHOOL)**

There has been concerns raised by St Joseph's Primary School regarding parking in Douglas Street in front of the bus bay between Scott Street and the bus bay. The school is requesting a solution to the parking issue. The school would like to keep parking limited in Douglas Street to prevent conflict with the buses and the safety of the children. A suggestion was made to have "No Parking" signs installed directly in front of the bus bay inline with the area where the children wait for the buses to prevent conflict with children & buses. This would still allow for limited parking spaces for parents and teachers and encourage parents to use Scott Street as the main designated pick up/drop down point for children.

Stefan advised by email that

- a. *Installing a "no Stopping" restriction means vehicles are not allowed to stop, even to drop off children.*

- b. *Installation of a "no parking" seems more suitable, and could be time restricted to coincide with drop off and pick-up times (eg 8am-9:30am and 2:30pm-4pm, to coincide with school zone times). Council may also want to use complimentary signs as per attachments (Kiss and Ride) – either "Kiss and Ride" or "School Drop-off and Pick-up Zone".*

Troy Keep commented that the School is proactive and through education/newsletters the parents should be aware of the new arrangement once installed.

#### **RECOMMENDATION**

Two (2) no stopping signs be installed in the section directly in front of the bus bay inline with the area where the children wait for the buses to prevent conflict with children and buses located in Douglas Street between the hours of 8am-9:30am and 2:30-4pm on school days to coincide with drop off and pick up times.

Police Rep- Y  
RMS Rep- Y (by email)  
Council Rep- Y  
MP Rep - Y

#### **5. PARKING OF HEAVY VEHICLES, TENTERFIELD INDUSTRIAL ESTATE**

Council's Ranger has advised that there are numerous heavy vehicles parking in the Tenterfield Industrial Estate. There is no signage depicting parking restrictions on any of these streets. Seeking clarification of whether the general road rules apply at this location or whether signage should be installed.

Discussion was held. Troy Kepp advised that Tenterfield is a small community, may result in more heavy vehicles parking up in town.

Council could write to the local truck companies notifying of the 1 hour rule and encourage them to park elsewhere. Troy Keep advised that Police have dealt with two cases in the last two months. Andre Kompler suggested that Council approach RMS for a concrete truck parking area on the approach to Tenterfield to help support the trucking industry in our community. Troy Keep mentioned that Armidale had one built on edge of town. Andre suggested it would be a good opportunity to approach RMS to incorporate into the construction of the Bypass in the next 2 years.

#### **RECOMMENDATION**

*Council Rangers to investigate on weekdays and weekends to determine the times that heavy vehicles are utilising the Industrial Estate for parking and report back to the next LTC meeting. Also, Council to investigate with RMS the possibility of constructing a designated heavy vehicle parking area in line with the construction of the bypass as a wider solution for a wide stand to benefit truck drivers.*

Police Rep- Y  
RMS Rep- Y (by email)  
Council Rep- Y  
MP Rep - Y

**6. NO STOPPING SIGN REQUEST – MANNERS STREET, TENTERFIELD**

Council's Ranger has requested that a "No Stopping" sign be installed near the Flood Boom Gate located in Manners Street to close the existing "No Stopping" sign located at Whereat Lane. This would allow this section to be a closed "No Stopping" zone. Photos of location attached.

**RECOMMENDATION**

That Council installs an additional "No Stopping" sign with right arrow at the specified location in Manners Street to allow for a closed "No Stopping" Zone in conjunction with the existing "No Stopping" sign with left arrow near Whereat Lane.

Police Rep- Y  
RMS Rep- Y (by email)  
Council Rep- Y  
MP Rep - Y

**7. TENTERFIELD HIGH SCHOOL, CROSS COUNTRY EVENT**

Council's Engineering Officer advised the Committee that an application was received by Tenterfield High School for holding of their annual Cross Country Event utilising various streets & cycle path within Council's Parks. An email was circulated to the Local Traffic Committee outside the scheduled meeting dates with no objections being received.

**ACTION:**

The event organiser completed a "Notice of Public Assembly" Form & obtained Police Approval. Council issued approval under section 144 of the Roads Act 1993 on 1 May 2017 to the event organisers for the holding of the above event.

No further action required.

**8. SIR HENRY PARKES MEMORIAL SCHOOL, CROSS COUNTRY EVENT**

Council's Engineering Officer advised the Committee that an application was received by Sir Henry Parkes Memorial School for holding of their annual Cross Country Event utilising a section of East Street. An email was circulated to the Local Traffic Committee outside the scheduled meeting dates with no objections being received.

**ACTION:**

The event organiser completed a "Notice of Public Assembly" Form & obtained Police Approval. Council issued approval under section 144 of the Roads Act 1993 on 18 May 2017 to the event organisers for the holding of the above event. No further action required.

Council's Engineering Officer will advise all schools in the Shire that prior to any event using Council roads, three (3) months is required to arrange all necessary approvals etc.

**9. GEYERS ROAD INTERSECTION**

Council received a late request from a concerned resident on Geyers Road, Tenterfield regarding the turn off of the New England Highway and the speed limit for Geyers Road.

Council's Works Manager advised the Committee that the resident is referring to a slip lane being installed. Council will seek comment from RMS including crash data at this intersection. No rural roads are signposted however general road rules state that the speed zone is 100km/hr unless otherwise signposted. Glen Lamb suggested that it would be better with more sealing at the intersection however funding is limited.

**ACTION:**

Council to seek advice from RMS.

**NEXT MEETING**

Thursday 3 August 2017 at 10:00 am in the Council Chambers.

There being no further business the Mayor declared the meeting closed at 11:20 am.

.....  
Councillor Peter Petty  
Mayor/Chairperson

**(ITEM RC8/17)** REPORTS OF COMMITTEES & DELEGATES - AUDIT & RISK COMMITTEE, 14 JUNE 2017

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**REPORT BY:** Peter Petty, Chairperson, Mayor

A meeting of the Audit & Risk Committee was held on Wednesday, 14 June 2017. Minutes of the meeting are attached.

**RECOMMENDATION**

That the Report of Audit & Risk Committee meeting of 14 June 2017 be received and noted.

**ATTACHMENTS**

- 1 Minutes of Meeting 4 Pages



**MINUTES OF  
AUDIT & RISK COMMITTEE  
WEDNESDAY, 14 JUNE 2017**

MINUTES OF THE **Audit & Risk Committee** OF TENTERFIELD SHIRE held at the Tenterfield Shire Council Chambers on Wednesday, 14 June 2017 commencing at 1.05 pm.

**ATTENDANCE**

Councillor Peter Petty (Mayor)  
Mr Peter Sheville – Independent External Member  
*(By Telephone Link)*  
Mr Geoff King – Independent External Member

**ALSO IN ATTENDANCE**

Acting Chief Executive (Dave Walker)  
Executive Assistant & Media (Noelene Hyde)  
Chief Corporate Officer (Kylie Smith)  
Acting Manager Finance (Andrew Wright)  
WHS & Risk Management Officer (Wes Hoffman)

*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.*

## **APOLOGIES**

**Resolved** that the apologies of Councillor Don Forbes and Mr Andrew Page be received and accepted.

(Geoff King/Peter Sheville)

## **DISCLOSURE OF INTERESTS**

Nil.

## **CONFIRMATION OF MINUTES**

**Resolved** that the Minutes of the Audit & Risk Committee meeting held on Wednesday, 1 March 2017, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

(Geoff King/Peter Petty)

## **PRESENTATIONS**

### **UPDATE ON COUNCIL'S RISK MANAGEMENT STATUS**

#### **SUMMARY**

Council's WHS & Risk Management Officer Mr Wes Hoffman provided a verbal update on Council's Risk Management Status, advising that there has not been much progression due to changes in Council's organisational structure and new staffing arrangements.

Mr Hoffman advised that a meeting will be held with JLT on 4 July 2017 to develop risk management objectives for the new financial year now that previous objectives have been met.

Further he advised that he recently met with StateCover. The premium impact for Council's Workers Compensation is \$5,000 for three (3) years.

Recently appointed Chief Corporate Officer Ms Kylie Smith advised that a Risk Management Plan will be developed as a priority.

#### **ACTION**

*Written report on Council's Risk Register to be presented at each meeting as this will drive the Internal Audit Program.*

**Resolved** that the verbal report of Council's WHS Risk Management Officer be adopted.

(Geoff King/Peter Petty)

### **(ITEM CEO1/17) FRAUD, MISCONDUCT AND COMPLIANCE**

#### **SUMMARY**

The purpose of this report is to provide details of any Fraud, Misconduct and Compliance breaches identified or allegations made, during the period 2 March 2017 to 14 June 2017. This is a Nil result for the period.

**Resolved** that the Audit & Risk Committee receive and note the report on Fraud, Misconduct and Compliance.

(Geoff King/Peter Petty)

### **(ITEM CEO2/17) AUDIT & RISK - REPORTING SCHEDULE 2017**

#### **SUMMARY**

The purpose of this report is to present the Reporting Schedule 2017 to each meeting of the Audit & Risk Committee as requested.

**Resolved** that the Audit & Risk Committee receive and note the Reporting Schedule 2017 and particularly the items for June 2017 which are to be carried forward to the next meeting.

(Peter Sheville/Geoff King)

### **(ITEM CEO3/17) 2016/17 BUDGET REVIEW - 31 MARCH 2017**

#### **SUMMARY**

The purpose of this report is to present a copy of Council's 2016/17 Budget Review as at 31 March 2017 to the Audit & Risk Committee for information.

Mr Geoff King raised some issues with the quarterly budget review spreadsheet and will address these directly with Acting Manager Finance Mr Andrew Wright.

Chief Corporate Officer Ms Kylie Smith advised that in future, the presentation of Quarterly Budget Reviews will be reorganised in terms of Council's Integrated Planning & Reporting documents.

#### **ACTION**

*Quality and checking processes to be improved.*

**Resolved** that the Audit & Risk Committee receive and note Council's 2016/17 Budget Review as at 31 March 2017.

(Geoff King/Peter Sheville)

### **ON-GOING ITEMS**

#### **Internal Audit Program 2016/17**

- **Asset Management**

Acting Chief Executive Mr Dave Walker stressed that he has identified a priority for Council in developing a good Asset Management System which will be addressed through the appointment of an Asset & Project Manager.



Chief Corporate Officer Ms Kylie Smith advised that a priority is the development of Asset Management Plans and Strategies, identifying gaps and putting together a comprehensive project plan.

Mr Peter Sheville added that the Audit & Risk Committee needs to ensure a culture of reporting through a line of site from assets through to costings.

- **Business Continuity Management Plan**

Chief Corporate Officer Ms Kylie Smith advised that the current Plan is out of date and is in train for updating in the new financial year.

- **Records & Information Management**

Chief Corporate Officer Ms Kylie Smith advised that an audit of Council's records and information management systems has been undertaken.

**Action**

*Records & Information Management Action Plan to be developed and presented at the next meeting.*

- **Revaluation of Water & Sewer Assets**

Acting Manager Finance Mr Andrew Wright advised that Council has recently undertaken a review of water/sewer assets which has resulted in better depreciation write-offs which will benefit Council into the future.

- **Risk Management Policy**

Mr Geoff King referred to Council's Risk Management Policy advising that it has all the strategies in place but requires action plans and accountability links to back it up.

- **Organisational Change**

Acting Chief Executive Mr David Walker briefed the Committee on the reasons for a change to Council's organisational structure, advising that the aim is to free up resources for the service levels.

**GENERAL BUSINESS**

Nil.

There being no further business the Mayor declared the meeting closed at 1.55 pm.

.....  
Councillor Peter Petty  
Mayor/Chairperson

|                      |                                                |
|----------------------|------------------------------------------------|
| <b>Department:</b>   | <b>Chief Executive Office</b>                  |
| <b>Submitted by:</b> | Acting Chief Executive                         |
| <b>Reference:</b>    | <b>ITEM RES5/17</b>                            |
| <b>Subject:</b>      | <b>COUNCIL RESOLUTION REGISTER - JUNE 2017</b> |

**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 Council Resolution Register to June 2017.**

**David Walker**  
**Acting Chief Executive**

|                               |                                                                                     |             |
|-------------------------------|-------------------------------------------------------------------------------------|-------------|
| Prepared by staff member:     | Noelene Hyde, Executive Assistant & Media                                           |             |
| Approved/Reviewed by Manager: | David Walker, Acting Chief Executive                                                |             |
| Department:                   | Chief Executive Office                                                              |             |
| Attachments:                  | <b>1</b> Attachment 20 (Booklet 4) -<br>Council Resolution Register to<br>June 2017 | 16<br>Pages |