



**QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE**

## **BUSINESS PAPER ORDINARY COUNCIL MEETING WEDNESDAY, 24 JUNE 2020**

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 RSL Pavilion, rear of Memorial Hall, Molesworth Street, Tenterfield, on **Wednesday 24 June 2020** commencing at **9.30am**.

Please note COVID-19 Regulations apply:

There is no capacity for members of the public to attend. Due to social distancing requirements some Councillors and staff members will attend the meeting via audio/visual.

Terry Dodds  
**Chief Executive**



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

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

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

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

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

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

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

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

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

## CONFLICT OF INTERESTS

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

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

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

### **Remoteness**

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

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

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

### **Relatives, Partners**

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

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

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

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

### **No Interest in the Matter**

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

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

### **Disclosure and participation in meetings**

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

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

### **Participation in Meetings Despite Pecuniary Interest (S 452 Act)**

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

**Non-pecuniary Interests** - Must be disclosed in meetings.

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

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

### **Disclosures to be Recorded (s 453 Act)**

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

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## ORDER OF BUSINESS

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

# AGENDA

## 1. OPENING & WELCOME

## 2. (A) OPENING PRAYER

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

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

## (B) ACKNOWLEDGEMENT OF COUNTRY

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

## 3. APOLOGIES

## 4. DISCLOSURES & DECLARATIONS OF INTEREST

## 5. CONFIRMATION OF PREVIOUS MINUTES

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## 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

(ITEM ECO10/20) ACQUISITION OF PART OF PRIVATE LAND IN MOLESWORTH STREET TENTERFIELD FOR CONSTRUCTED CYCLEWAY

## **11. OPEN COUNCIL REPORTS**

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NIL

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## **15. CONFIDENTIAL BUSINESS**

(ITEM ECO10/20) ACQUISITION OF PART OF PRIVATE LAND IN  
MOLESWORTH STREET TENTERFIELD FOR  
CONSTRUCTED CYCLEWAY

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

## **16. MEETING CLOSED**



## **CLOSED COUNCIL**

### **Confidential Reports**

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

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

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

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

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

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

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

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

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

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

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

#### **Resolutions passed in Closed Council**

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

**(ITEM MIN9/20) CONFIRMATION OF PREVIOUS MINUTES**

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**REPORT BY:** Noelene Hyde, Executive Assistant & Media

**RECOMMENDATION**

**That the Minutes of the following Meeting of Tenterfield Shire Council:**

- **Ordinary Council Meeting – 27 May 2020**

**as typed and circulated, be confirmed and signed as a true record of the proceedings of these meetings.**

**ATTACHMENTS**

- 1 Minutes of Ordinary Council Meeting - 27 May 2020 13 Pages**

# MINUTES



**QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE**

## **MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 27 MAY 2020**

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the RSL Pavilion, rear of Memorial Hall, Molesworth Street, Tenterfield and via Zoom, on Wednesday, 27 May 2020 commencing at 9.30 am.

**ATTENDANCE**

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

**ALSO IN ATTENDANCE**

Chief Executive (Terry Dodds) (via Zoom)  
Executive Assistant & Media (Noelene Hyde)  
Chief Corporate Officer (Kylie Smith) (via Zoom)  
Director Infrastructure (Fiona Keneally) (via Zoom)  
Manager IT & Finance (Paul Della) (via Zoom)  
Manager Planning & Development (Tamal Davidson) (via Zoom)  
Manager Asset & Program Planning (David Counsell) (via Zoom)  
Engineering Officer (Jessica Gibbins) (via Zoom)  
Manager Property & Buildings (Heidi Ford) (via Zoom)

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

**WEBCASTING OF MEETING**

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

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

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

**OPENING AND WELCOME**

**CIVIC PRAYER**

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

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

**ACKNOWLEDGEMENT OF COUNTRY**

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

**APOLOGIES**

Nil.

**DISCLOSURE & DECLARATIONS OF INTEREST**

Nil.

**(ITEM MIN4/20) CONFIRMATION OF PREVIOUS MINUTES**

**70/20** **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 22 April 2020

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

(Bob Rogan/Greg Sauer)

**Motion Carried**

**TABLING OF DOCUMENTS**

Nil.

**URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS - ADDENDUM REPORT**

- 71/20** **Resolved** that the Addendum Agenda be accepted and Item MIN5/20 - Confirmation of Previous Minutes, be considered by Council.

(Bronwyn Petrie/Bob Rogan)

**Motion Carried**

**(ITEM MIN5/20) CONFIRMATION OF PREVIOUS MINUTES**

- 72/20** **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Extraordinary Council Meeting held on Friday, 22 May 2020

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

(Bronwyn Petrie/Bob Rogan)

**Motion Carried**

**COMMUNITY CONSULTATION (PUBLIC ACCESS)**

Nil.

**MAYORAL MINUTE**

Nil.

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

- 73/20** **Resolved** that Item COM14/20 - Telstra Blackspot Program - Torrington, be considered in the Confidential Section of this Meeting.

(Greg Sauer/Michael Petrie)

**Motion Carried**

**OPEN COUNCIL REPORTS**

**OUR COMMUNITY**

**(ITEM COM12/20) COMMUNICATION TOWER LICENCE TO NETWORK INVESTMENTS PTY LTD (WIN)**

**SUMMARY**

Network Investments Pty Ltd maintain television transmission equipment on Council's tower at Mt MacKenzie. The previous Licence Agreement expired in 2014 and therefore requires renewing.

**74/20** **Resolved** that Council:

- (1) Delegate Authority to the Chief Executive to enter a Facility Sharing Licence Agreement with Network Investments Pty Ltd in relation to Council's communication tower at Mt MacKenzie (Lot 5 DP 1007389).
- (2) Authorise the Licence to be signed and executed under the Seal of Council by the Mayor and Chief Executive in accordance with Council Policy.

(Tom Peters/Brian Murray)

**Motion Carried**

**(ITEM COM13/20) SITE SHARING LICENCE AGREEMENT WITH NSW TELCO AUTHORITY FOR HAYSTACK MOUNTAIN**

**SUMMARY**

The New South Wales Government Telecommunications Authority (NSWGTA) are seeking a renewal of the site sharing licence for Council's communications equipment located at Haystack Mountain. The previous licence expired on 30 June, 2018.

**75/20** **Resolved** that Council:

- (1) Delegate authority to the Chief Executive to enter a Licence Agreement with the NSW Government Telecommunications Authority for Council's communications equipment located at Haystack Mountain Radio Communications Facility, Pocupar Road, Yabbra National Park, Yabbra NSW 2469.
- (2) Authorise the Licence Agreement to be signed under the Seal of Council by the Mayor and the Chief Executive in accordance with Council Policy.

(Michael Petrie/Tom Peters)

**Motion Carried**

**OUR ECONOMY**

*Engineering Officer, Jessica Gibbins and Manager Asset & Program Planning David Counsell presented the following items.*

**(ITEM ECO6/20) ROAD CLOSURE APPLICATION - ROAD OFF KILDARE ROAD**

**SUMMARY**

The purpose of this report is for Council to consider a road closing application that has been received from a property owner requesting closure of a section of unformed Council road off Kildare Road.

**76/20** **Resolved** that Council:

- (1) Objects to the permanent road closure of the section of road adjacent to Lots 201 & 171 DP 751517 off Kildare Road due to causing of landlocking of multiple parcels of land to the east of the proposed road closure.

- (2) Advises the applicant that Council cannot accede to the request of closing the section of road adjacent to Lots 201 & 171 DP 751517 due to causing land-locking of multiple parcels of land to the east. For the road closure to be considered on merit, a legal means of access (ie. right of carriageway or similar from the gazetted public road will need to be provided by the Applicant and agreed upon by the property owners of all the lots that will become landlocked as a result of the closure.) If such a legal means of access cannot be provided by the applicant, Council is unable to support an application for closure of a road where a lot(s) is to be landlocked.

(Brian Murray/Bronwyn Petrie)

**Motion Carried**

**(ITEM ECO7/20) TALMOI ROAD - ROAD MAINTENANCE EXTENSION REQUEST**

**SUMMARY**

The purpose of this report is for Council to consider a request for extending Council's maintenance activities outside the adopted Road Network Management Plan to include an additional 2.5kms section of Talmoi Road.

**77/20 Resolved that Council:**

- (1) Continues to undertake maintenance activities in accordance with the adopted Road Network Management Plan which includes the 6.64km section of Talmoi Road from Mount Lindesay Road. Any additional road maintenance may be considered as part of Council's review of the current Road Network Management Plan.
- (2) Advises the applicant that Council cannot currently accede to the request of additional road maintenance due to limited resources, however the requested section of road may be considered as part of Council's review of the Road Network Management Plan.

(Bob Rogan/Michael Petrie)

**Motion Carried**

**(ITEM ECO8/20) WELLINGTON LOOKOUT ROAD - ROAD MAINTENANCE EXTENSION REQUEST**

**SUMMARY**

The purpose of this report is for Council to consider a request for an extension of Council's maintenance activities outside the adopted Road Network Management Plan to include an additional 1 km section of Wellington Lookout Road.

**RECOMMENDATION**

That Council:

- (1) Continues to undertake maintenance activities in accordance with the adopted Road Network Management Plan which includes the 2.321km section of Wellington Lookout Road from Black Swamp Road. Any additional road maintenance may be considered as part of Council's review of the current Road Network Management Plan.



- (2) Advises the applicant that Council cannot currently accede to the request of additional road maintenance due to limited resources, however the requested section of road may be considered as part of Council's review of the Road Network Management Plan.

(Brian Murray/John Macnish)

**AMENDMENT**

That the word "may" be changed to "will" in items (1) and (2), ie "may be considered...."

(Bob Rogan/Greg Sauer)

**Amendment Carried**

**78/20** **Resolved** that Council:

- (1) Continues to undertake maintenance activities in accordance with the adopted Road Network Management Plan which includes the 2.321km section of Wellington Lookout Road from Black Swamp Road. Any additional road maintenance will be considered as part of Council's review of the current Road Network Management Plan.

- (2) Advises the applicant that Council cannot currently accede to the request of additional road maintenance due to limited resources, however the requested section of road will be considered as part of Council's review of the Road Network Management Plan.

(Brian Murray/John Macnish)

**Motion Carried**

***Recording a Vote Against the Motion: Councillors Bronwyn Petrie and John Macnish.***

*Engineering Officer, Jessica Gibbins and Manager Asset & Program Planning David Counsell left the meeting.*

*Manager Planning & Development, Tamai Davidson presented the following items:*

**OUR ENVIRONMENT**

**(ITEM ENV10/20) DEVELOPMENT APPLICATION 2020.018 - 2 LOT SUBDIVISION - BOUNDARY ADJUSTMENT, TIMBARRA ROAD, TENTERFIELD - APPEAL OF CONDITION**

**SUMMARY**

Development Application 2020.018 2 Lot Subdivision – Boundary Adjustment was approved by Council on 22 April 2020, subject to conditions. The applicant is requesting Council review condition six (6) of the consent which requires the applicant, as part of their final plan of survey, to survey the existing road formation of Timbarra Road. The existing location of the road lies outside the formal road reserve. The condition was placed on the consent as it is a requirement of Council's Road Network Management Plan 2013 (RNMP).

**RECOMMENDATION**

That Council:

- (1) Impose the requirements of the Road Network Management Plan; and



- (2) Advise the Applicant that Condition No 6 of Development Consent 2020.018 remains.

(Bronwyn Petrie/John Macnish)

**AMENDMENT**

That the recommendation be reworded as follows:

- (1) That Council advise the applicant that a review of the conditions, particularly Condition 6, has been carried out as requested; and
- (2) That Council advise the applicant that Condition 6 of Development Consent 2020.018 be removed subject to the lodgement of the Modification of Consent Application.

(Bob Rogan/Michael Petrie)

**Amendment Carried**

**Recording of Votes for the Amendment:**

For: Councillors Brian Murray, Peter Petty, Bob Rogan, Michael Petrie,  
Bronwyn Petrie, John Macnish, Don Forbes, Tom Peters

Against: Councillors Greg Sauer, Gary Verri

**79/20 Resolved that Council:**

- (1) Advise the applicant that a review of the conditions, particularly Condition 6, has been carried out as requested; and
- (2) Advise the applicant that Condition 6 of Development Consent 2020.018 be removed subject to the lodgement of the Modification of Consent Application.

(Bronwyn Petrie/John Macnish)

**Motion Carried Unanimously**

**SUSPENSION OF STANDING ORDERS**

**80/20 Resolved that Standing Orders be suspended.**

(Brian Murray/Michael Petrie)

**Motion Carried**

*The Meeting adjourned for Morning Tea, the time being 10.58 am.*

*The Meeting reconvened with the same members present, the time being 11.16 am.*

**RESUMPTION OF STANDING ORDERS**

**81/20 Resolved that Standing Orders be resumed.**

(Bronwyn Petrie/Brian Murray)

**Motion Carried**

**(ITEM ENV11/20) STRONGER COUNTRY COMMUNITY FUND - VILLAGE SIGNS**

**SUMMARY**

The purpose of this report is to recommend to Council the preferred option for village signs style for the villages of Drake, Urbenville, Jennings, Liston, Legume, Mingoola and Torrington.

**RECOMMENDATION**

That Council:

- (1) Proceed with the adoption of Concept B for the Village Entrance signs; and
- (2) Incorporate changes as per the second round of consultation for the final designs as detailed in the report.
- (3) Utilise the principles of Concept B for basis of the new Shire entry signs in a future project.

(Greg Sauer/Bob Rogan)

**AMENDMENT**

That Council put the signage proposals back to the community for consultation and seek a response from those individual communities that are current dissatisfied.

(Gary Verri/Bronwyn Petrie)

**Amendment Lost**

**AMENDMENT**

That (2) be amended to read – Incorporate changes as per final round of community consultation.

(Bronwyn Petrie/John Macnish)

**Amendment Lost**

**82/20** **Resolved** that Council:

- (1) Proceed with the adoption of Concept B for the Village Entrance signs; and
- (2) Incorporate changes as per the second round of consultation for the final designs as detailed in the report.
- (3) Utilise the principles of Concept B for basis of the new Shire entry signs in a future project.

(Greg Sauer/Bob Rogan)

**Motion Carried**

***Recording a Vote Against the Motion: Councillor Gary Verri***

*Manager Planning & Development, Tamai Davidson left the meeting.*

**(ITEM ENV12/20) DEFERRED NOTICE OF MOTION - NATIONAL PARKS IN TENTERFIELD SHIRE LOCAL GOVERNMENT AREA**

**SUMMARY**

The purpose of this report is to bring forward deferred Notice of Motion – National Parks in Tenterfield Shire Local Government Area, put forward at the Ordinary Council Meeting of 26 February 2020 by Cr Gary Verri.

**83/20** **Resolved** that Council:

- (1) Invite Mr Darren Pitt, Manager, Northern Tablelands Area, National Parks & Wildlife Service to address Council at the first opportunity once COVID-19 restrictions are relaxed.
- (2) Reconsider the Notice of Motion following Mr Pitt's address.

(Greg Sauer/Brian Murray)

**Motion Carried**

#### **OUR GOVERNANCE**

#### **(ITEM GOV24/20) MONTHLY OPERATIONAL REPORT - MARCH/APRIL 2020**

##### **SUMMARY**

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2019/2020 Operational Plan.

**84/20** **Resolved** that Council receives and notes the status of the Monthly Operational Report for March/April 2020.

(Michael Petrie/Brian Murray)

**Motion Carried**

*Cr John Macnish left the meeting, the time being 12:22 pm.*

#### **(ITEM GOV25/20) DRAFT AMENDED EQUAL EMPLOYMENT OPPORTUNITY MANAGEMENT PLAN - 2020-2024**

##### **SUMMARY**

The purpose of this report is for Council to adopt the draft amended, and updated, Equal Employment Opportunity Management Plan for the period 2020-2024.

**85/20** **Resolved** that Council adopts the draft amended Equal Employment Opportunity Management Plan for 2020 to 2024.

(Greg Sauer/Michael Petrie)

**Motion Carried**

#### **PROCEDURAL MOTION**

**86/20** **Resolved** that Items GOV26/20 – Quarterly Budget Review Statement – March 2020, GOV27/20 – Finance & Accounts – Period Ended 30 April 2020, GOV28/20 – Capital Expenditure Report as at 30 April 2020 and GOV29/20 – Report on Loan Balances be adopted together.

(Gary Verri/Brian Murray)

**Motion Carried**

Manager Finance & Technology, Paul Della presented the following items:

Cr John Macnish returned to the meeting, the time being 12:25 pm.

**(ITEM GOV26/20) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2020**

**SUMMARY**

The purpose of this report is to provide Council with a Quarterly Budget Review Statement (Attachment 1) in accordance with Regulation 203 of the Local Government (General) Regulation 2005 (the Regulation).

**87/20** **Resolved** that Council adopts the March 2020 Quarterly Budget Review Statement.

(Bob Rogan/Brian Murray)

**Motion Carried**

**(ITEM GOV27/20) FINANCE & ACCOUNTS - PERIOD ENDED 30 APRIL 2020**

**SUMMARY**

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

**87/20** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 30 April 2020.

(Bob Rogan/Brian Murray)

**Motion Carried**

**(ITEM GOV28/20) CAPITAL EXPENDITURE REPORT AS AT 30 APRIL 2020**

**SUMMARY**

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

**87/20** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 30 April 2020.

(Bob Rogan/Brian Murray)

**Motion Carried**

**(ITEM GOV29/20) REPORT ON LOAN BALANCES**

**SUMMARY**

The purpose of this report is to inform Council of its loan balances as at 31 March 2020.

- 87/20** **Resolved** that Council notes the loan balance as at 31 March 2020 was \$9,586,841.37 (\$9,686,310.92 as at 31 December 2019).

(Bob Rogan/Brian Murray)

**Motion Carried**

*Manager Finance & Technology, Paul Della left the meeting.*

**(ITEM GOV30/20) TRANSFER OF WEIGHT OF LOADS ENFORCEMENT GROUP FROM NORTH EAST WEIGHT OF LOADS GROUP TO NORTH WEST WEIGHT OF LOADS GROUP**

**SUMMARY**

The purpose of this report is to transfer Council's Weight of Loads enforcement group to the North West Weight of Loads Group due to increasing financial costs associated with the current provider, North East Weight of Loads Group.

- 88/20** **Resolved** that Council move to join the North West Weight of Loads Group, ceasing financial contributions to the North East Weight of Loads Group from 2020/2021 financial year.

(Greg Sauer/John Macnish)

**Motion Carried**

**REPORTS OF DELEGATES & COMMITTEES**

**(ITEM RC14/20) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION - APRIL 2020 DELEGATE'S REPORT**

**SUMMARY**

The Murray Darling Association have provided the April 2020 Delegate's Report for tabling at Council.

- 89/20** **Resolved** that the Murray Darling Association Delegate's Report be received and noted.

(Greg Sauer/Michael Petrie)

**Motion Carried**

**NOTICES OF MOTION**

Nil.

**RESOLUTION REGISTER**

**(ITEM RES4/20) COUNCIL RESOLUTION REGISTER - MAY 2020**

**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.

**90/20** **Resolved** that Council notes the status of the Council Resolution Register to May 2020.

(Bronwyn Petrie/Brian Murray)

**Motion Carried**

**CONFIDENTIAL BUSINESS – SUSPENSION OF STANDING ORDERS**

**91/20** **Resolved** that:

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

(Greg Sauer/Bob Rogan)

**Motion Carried**

*The recording device was turned off and the meeting moved into Closed Committee, the time being 12.40 pm.*

*Manager Property & Buildings, Heidi Ford, entered the meeting.*

**(ITEM COM14/20) TELSTRA BLACKSPOT PROGRAM - TORRINGTON**

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

**SUMMARY**

Under the Commonwealth Government's Blackspot Program, Telstra propose to build a mobile telecommunications facility to service the Torrington community. The proposed base station is to be built on Council-owned land behind the Torrington Rural Fire Service (RFS) shed.

**92/20** **Resolved** that Council:

- (1) Delegate authority to the Chief Executive to enter a Lease Agreement with Telstra Corporation Limited for the installation and operation of a Telstra telecommunications facility behind the Rural Fire Service shed in Torrington (Lot 317 DP 751488, 2708 Torrington Road, Torrington).
- (2) Authorise the Lease Agreement to be signed under the Seal of Council by the Mayor and the Chief Executive in accordance with Council Policy.

(Brian Murray/Michael Petrie)

**Motion Carried**

**RESUMPTION OF STANDING ORDERS**

**93/20** **Resolved** that Standing Orders be resumed.

(Greg Sauer/Brian Murray)

**Motion Carried**

*The meeting moved out of Closed Committee and the recording device was turned on, the time being 12.43 pm.*

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

**MEETING CLOSED**

There being no further business the Mayor declared the meeting closed at 12.44 pm.

.....  
Councillor Peter Petty  
Mayor/Chairperson



<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Manager Asset & Program Planning
<b>Reference:</b>	<b>ITEM ECO9/20</b>
<b>Subject:</b>	<b>AERODROME GRASS AREA LEASE</b>

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

<b>CSP Goal:</b>	<b>Transport</b> - TRSP 16 - Our quality of life is enhanced by transport options to access services that are not available in our community and enable us to connect with people visiting and accessing the services we provide.
<b>CSP Strategy:</b>	Provide the required public transport infrastructure and work with key partners to expand the provision of cost effective public transport.
<b>CSP Delivery Program</b>	Construction of Transport Infrastructure.

---

#### **SUMMARY**

This report relates to the mowing of grass at the Tenterfield Aerodrome and recommends that Council advertise for the lease of the surrounding area outside of the aircraft landing area (ALA) to an external party allowing harvesting of the grass.

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

**That Council resolve to advertise for the four (4) year lease of the grassed area within the Tenterfield Aerodrome not directly associated with the landing strip for the purpose of restricted agricultural operations including the mowing and harvesting of grass with any submissions received to be reported back to Council for consideration.**

#### **BACKGROUND**

Council operates the 1200 metre long unsealed airstrip at Schrodgers Road north west of Tenterfield and previously leased the surrounding unused vegetation area for harvesting of the grass some years ago. Requests have been received to consider this action once again.

#### **REPORT:**

The leasing of the grass area for harvesting would control the height of vegetation around the aerodrome to improve safety of operations and minimise fire risk. The aerodrome is located upon Lot 1 in Deposited Plan 236737 and the proposed lease area is a part of this allotment.

It is intended that the lease would be made for a period of four (4) years to allow the lessee the opportunity to recover costs involved in setting up any equipment for the task and to account for seasonal changes in growth from year to year.

The lessee will be required to prepare safe operating procedures and complete a risk assessment for any task upon the aerodrome associated with the lease. All persons involved with the lease would be required to comply with these procedures. There will also be a requirement for the lessee to hold current public liability insurance to a value of not less than \$ 20 million. The lessee would be required to operate suitable equipment



## Our Economy No. 9 Cont...

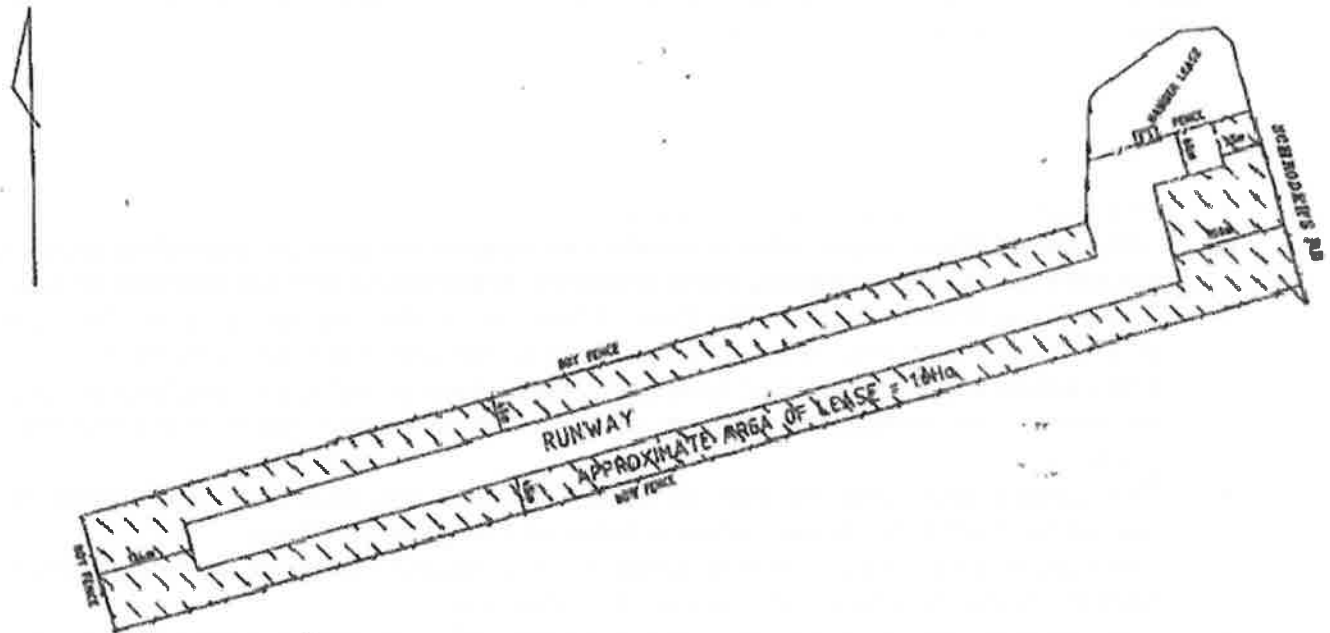
fitted with flashing lights. All equipment and baled grass material will need to be removed from the aerodrome when not in use.

Typical conditions that would be included in a lease agreement are:

- Payment of the Agreement Fee in advance.
- The lease shall be for four (4) years.
- The Lessee shall be responsible to control all vegetation growth, including grass, tree suckers and noxious weeds using accepted practices to the satisfaction of Council.
- The Lessee shall indemnify the Council from all public liability risks for the duration of the Lease with insurance in an amount of not less than \$20,000,000.
- The Lessee shall not allow or cause any machinery or vehicle or pedestrian to cross or access the runway or runway strip (ie between the gable markers) for any purposes.
- The Lessee shall ensure that all access around the ALA shall be limited to the leased land and the flyover strip outside of the gable markers.
- The Lessee shall ensure that all gates are closed and locked at all times even when operating machinery or vehicles on the said area.
- The Lessee shall not leave or allow to be left any obstruction on the runway, runway strip or flyover area.
- The Lessee shall manage the agricultural operations such that any obstructions in the said area are located parallel to the runway.
- The Lessee shall not burn off the said area nor allow the said area to be burnt off.
- The Lessee shall fit two (2) flashing lights on the roof of any tractor or plant used in the agricultural activity on the said area and shall ensure that these flashing lights, together with head and tail lights, are operated at all times during the occupancy of the ALA.
- The Lessee shall only stop or park all machinery, attachments and equipment as close as practical to the northern or southern boundary fences of the ALA.
- The Lessee shall ensure that no machinery, attachments and equipment is stopped or parked at the eastern or western ends (approach and take off areas) of the ALA.
- Prior to entering the ALA and prior to commencing operations, the Lessee shall ensure that operators observe the airspace at each end of the runway strip for a minimum of 2 minutes for any aircraft wanting to use the ALA.
- The Lessee shall ensure that operations shall cease whenever the ALA is being used by an aircraft or whenever an aircraft is observed circling the ALA in preparation to land.

If Council wish to proceed, full details would be prepared including a plan of the area which will need to compliment the requirements of the Civil Aviation Safety Authority as set out under their Manual of Standards. These Standards determine area to be kept clear for the airstrip operation such as length, widths, positioning of gable markers etc. An example of the possible area involved is indicated below in an older plan Drawing 336-2.

Our Economy No. 9 Cont...



Example diagram of the proposed lease area - Extract of Council Drawing 336-2

### COUNCIL IMPLICATIONS:

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

Community communication will be made through the advertising of the proposed lease opportunity in general media.

#### 2. Policy and Regulation

- The tendering of the proposed lease will comply with Council's Procurement Policy.
- The lease area will need to compliment the Civil Aviation Safety Authority requirements for the airstrip as set out under their Manual of Standards

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

It is intended that the payment of the lease fee would cover legal costs involved in the advertising and preparation of a contract if successful. There could then be a benefit of saving the cost of Council staff needing to control the height of vegetation in the leased area thus having a negligible financial impact to the annual budget.

#### 4. Asset Management (AMS)

No implications.

#### 5. Workforce (WMS)

No implications.

#### 6. Legal and Risk Management

There are a number of implications including public liability insurance and work health safety functions that the lessee would need to undertake.

#### 7. Performance Measures

No implications.

Our Economy No. 9 Cont...

### **8. Project Management**

The management of a lease contract would need to be undertaken as an additional task to the control of the aerodrome.

**Fiona Keneally**  
**Director Infrastructure**

Prepared by staff member: David Counsell  
Approved/Reviewed by Manager: Fiona Keneally, Director Infrastructure  
Department: Engineering Department  
Attachments: There are no attachments for this report.

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Corporate Administration Officer
<b>Reference:</b>	<b>ITEM ENV13/20</b>
<b>Subject:</b>	<b>REMOVAL OF DEAD TREES PROGRAM - WITHIN THE TENTERFIELD RU5 AREA</b>

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

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

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**SUMMARY**

On Wednesday, 10 June 2020 a workshop was held, with the Council Working Group formulating a recommendation for consideration by Council at its Ordinary meeting of June 2020. The recommendation included in the report, contains the trees to be included in the quotation for removal within the budget for Dead Tree Removal Program. A selection on 155 Trees are proposed to form the priority list for quotation with quotations to be sought and allocated in order of the list.

**OFFICER'S RECOMMENDATION:**

**That Council:**

- (1) Adopt the Priority List of Trees attached and seek quotations for their removal; and**
- (2) Implement the list in the same priority order should quotations received be in excess of the budget allocation; and**
- (3) Advise successful and unsuccessful recipients in writing once quotations are finalised.**

**BACKGROUND**

The Dead Tree Removal Program for trees within the RU5 area of Tenterfield was discussed at the Ordinary Council meeting, held in February 2020, with Resolution 20/40 being adopted to launch this program as part of the National Bushfire Recovery Funding to the value of \$85,000.

On Wednesday, 10 June 2020 a nominated group of Councillors (Working Group) selected a priority list of trees from the initial 1034 trees that had been registered as an interest for removal. From this workshop, 155 trees were selected (Attachment 1 (Attachment Booklet 1)).

Our Environment No. 13 Cont...

**REPORT:**

An Expression of Interest has been sort from residents within the RU5 Zoning of Tenterfield during the month of May 2020. At closing of this program a total of 1034 trees were registered as seeking removal under this funding. A catalogue of the trees was presented to the working group including the date the expression was received, if the tree falls within the bushfire prone area, height of each tree and an assessment number that fits within the dead tree criteria (Attachment 2 (Attachment Booklet 1)).

The criteria used to establish eligibility and form the basis of evaluation of the Committee under the program is as follows:

- Is the tree within a bushfire prone area?
- Is the tree near a building?
- Height of the tree?
- Does the tree fit the criteria?

The total budget allocation of \$85,000 as per the original resolution has been assigned with \$80,000 allocated towards the removal of the trees and \$5,000 to cover the costs of administering the program.

The Working Group evaluated the list of trees submitted to enable a list of trees for quotations to be considered at the June Ordinary Meeting of Council. During the evaluation further information was requested with regard to two submissions received that were unclear on the number of trees were submitting under the program. These submissions were reviewed with the applicants and amended in the final list for Council to adoption.

Once Council has adopted the list (with any amendments required), Council staff will seek quotations from tree removal contractors to fell and/or remove trees identified in this program.

Once a contractor has been awarded the project, the contractor will be required to arrange the removal and disposal of the trees identified, leaving the stump (and in some instances the felled trees) with the selected owners. Quotations will be evaluated and if the budget is exhausted prior to the full list being completed or if there is additional budget to be allocated, the next tree on the list will be removed until such time that all the money have been spent. Once completed an acquittal process will take place.

**COUNCIL IMPLICATIONS:**

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

Duringt May 2020 media was distributed and community letters were sent to all property owners (excluding Council staff) requesting they register their interest should the property hold large dead trees that pose a fire risk. The Expressions of Interest needed to be received by 1 June 2020.

**2. Policy and Regulation**

- Local Government Act 1993 Under Section 356; and
- Procurement Policy – Policy Statement No. 1.164.

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

The cost for the removal of the trees has been difficult to estimate given the variety of shapes, sizes and locations (ie near property).

## Our Environment No. 13 Cont...

As such every effort will be made to remove as many trees as possible, however the exact number will be dependent on conforming quotations received.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

The risk involved in the Removal of Dead Tree Program is as follows:

- Allocation of funds insufficient;
- Grant funding requirements;
- Not completing the project in timeframes; and
- Compliance with Local Government Act 1993.

**7. Performance Measures**

Nil.

**8. Project Management**

Processes to complete the project:

- Develop Project Plan;
- Announce the Dead Tree Removal Program;
- Seek Expressions of Interest for Dead Trees; and
- Select priority list of dead trees;
- Seek and award quotations for removal;
- Advise applicants of outcome;
- Complete works and acquit the program.

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

Prepared by staff member:	Jodie Condrick; Mark Cooper						
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer						
Department:	Office of the Chief Corporate Officer						
Attachments:	<table> <tr> <td><b>1</b></td> <td>Attachment 1 (Attachment Booklet 1) - Priority List Selected by the Working Group for Dead Tree Removal Program</td> <td>5 Pages</td> </tr> <tr> <td><b>2</b></td> <td>Attachment 2 (Attachment Booklet 1) - Original Expressions Received for Removal of Dead Trees</td> <td>24 Pages</td> </tr> </table>	<b>1</b>	Attachment 1 (Attachment Booklet 1) - Priority List Selected by the Working Group for Dead Tree Removal Program	5 Pages	<b>2</b>	Attachment 2 (Attachment Booklet 1) - Original Expressions Received for Removal of Dead Trees	24 Pages
<b>1</b>	Attachment 1 (Attachment Booklet 1) - Priority List Selected by the Working Group for Dead Tree Removal Program	5 Pages					
<b>2</b>	Attachment 2 (Attachment Booklet 1) - Original Expressions Received for Removal of Dead Trees	24 Pages					

<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM GOV31/20</b>
<b>Subject:</b>	<b>MONTHLY OPERATIONAL REPORT - MAY 2020</b>

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**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK**

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

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**SUMMARY**

The purpose of this report is to provide a standing monthly report to the Ordinary Meeting of Council that demonstrates staff accountabilities and actions taken against Council's 2019/2020 Operational Plan.

**OFFICER'S RECOMMENDATION:**

**That Council receives and notes the status of the Monthly Operational Report for May 2020.**

**REPORT:**

Council's Monthly Operational Report format will be changing from February 2020, with reports using the CAMMS Strategy Integrated Planning and Reporting program.

Council staff have been working with CAMMS to ensure the new reporting format has a comparable look and level of detail as the previous manually generated reporting format. The CAMMS program will also streamline all of Council's Integrated Planning and Report requirements, through automation of updates and ease of reporting to the community.

**Terry Dodds**  
**Chief Executive**

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive
Department:	Office of the Chief Executive
Attachments:	<b>1</b> Attachment 3 (Attachment Booklet 144 2) - Monthly Operational Report - Pages May 2020

<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM GOV32/20</b>
<b>Subject:</b>	<b>COMMITTEES REGISTER 2019-2021</b>

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

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

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#### **SUMMARY**

The purpose of this report is for Council to adopt the updated Council's Committee Register 2019-2021.

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

**That Council adopts the updated Council Committee Register 2019-2021.**

#### **BACKGROUND**

At the September Extraordinary Meeting of 25 September 2019, Councillors reconfirmed representation and delegates to Council Specific Purpose Committees and External Boards, Committees and Organisations.

In addition, there have been a number of amendments to staff titles and community Committee representatives. The updated Committees Register 2019-2021 reflects these changes.

#### **REPORT:**

Due to COVID-19 restrictions, Councillor elections due to be held in September 2020 have been postponed to 4 September 2021.

Resolution 181/19 of 25 September 2019, Item (4) removes the requirement to hold an Extraordinary Meeting in September with the business of this meeting (election of Mayor/Deputy Mayor etc) now being progressed as part of the Ordinary Council Meeting.

As representation on Council Committees does not change throughout the term of the Council, the Committee Register has been updated to cover the period until the election of the new Council in September 2021.

#### **COUNCIL IMPLICATIONS:**

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

Scheduled Specific Purpose Committee and Community Engagement Forums have been impacted by COVID-19 restrictions, however meetings will be rescheduled once all restrictions are lifted.



Our Governance No. 32 Cont...

**2. Policy and Regulation**

Nil.

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Terry Dodds**  
**Chief Executive**

Prepared by staff member:

Noelene Hyde

Approved/Reviewed by Manager:

Terry Dodds, Chief Executive

Department:

Office of the Chief Executive

Attachments:

**1** Attachment 4 (Attachment Booklet 47  
3) - 2019-2021 Committees Pages  
Register

<b>Department:</b>	<b>Engineering Department</b>
<b>Submitted by:</b>	Manager Asset & Program Planning
<b>Reference:</b>	<b>ITEM GOV33/20</b>
<b>Subject:</b>	<b>ASSET MANAGEMENT STRATEGY 2020-2030</b>

<b>LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK</b>	
<b>CSP Goal:</b>	<b>Leadership</b> - LEAD 14 - Resources and advocacy of Council are aligned support the delivery of the community vision outlined in the Community Strategic Plan.
<b>CSP Strategy:</b>	Council has in place and adheres to a robust asset management framework that ensures existing and future infrastructure is affordable, funded and maintained to service the existing community and future generations.
<b>CSP Delivery Program</b>	Make prioritised decisions in the long-term interest of the broad community and have regard to financial and infrastructure sustainability.

**SUMMARY**

This report presents a revised Asset Management Strategy 2020-30 that updates the previous document from 2017.

**OFFICER’S RECOMMENDATION:**

**That Council adopt the revised Asset Management Strategy 2020-2030.**

**BACKGROUND**

Council’s previous Asset Management Strategy was prepared in 2017 and this report presents an updated document to guide the ongoing management of Council’s infrastructure.

**REPORT:**

The asset management of Council’s infrastructure is guided by an Asset Management Strategy that links the Council’s Asset Management Policy and the goals within Community Strategic Plan to the individual plans that support service delivery to the community.

Council has assets across a number of categories including roads, bridges, buildings, water, sewer, parks and fleet that have a total value in excess of \$600 million. Many large items like bridges and large earthmoving equipment have a significant value and therefore have an obvious impact upon Council’s operating finances. There are also a vast array of smaller cost items from fences, library books, tools etc that collectively make up a significant proportion of the total asset value.

It is therefore important that all assets are managed effectively so that they combine to ensure efficiency across all areas of Council’s service delivery.

This updated Strategy addresses an action within Council’s Operational Plan. However it should be noted that the document will be very much an evolving document over the next year due to a number of other factors;

- Council Operational Plan Action 6.1.1.26 tasks the implementation of an Asset Management System that will integrate all asset types.

## Our Governance No. 33 Cont...

As part of that implementation, a vigorous assessment of individual assets be planned so that each asset can be accurately identified within the system, and that the values assigned to the assets are the most appropriate for the assets.

- A delay by one year in the timing of Local Government elections will implicate a review of the Council's Community Strategic Plans, thereby possibly having a flow on effect to asset management delivery.
- The review of Council's Asset Management Policy due in November 2020.
- Financial monitoring of Council's forward asset replacement programs will be particularly important over the next year or two as the impacts of grant funding for special projects, effects of external national funding arrangements and changing community expectations are addressed.
- Once the new asset management system is in place, a review of asset levels of service and ongoing monitoring of the asset replacement programs such that levels are kept to a sustainable degree will be undertaken.

The revised Asset Management Strategy (Attachment 5 Attachment Booklet 4) is presented to Council to ensure that Strategies and Policies are current and up-to-date with the management cycle of Council operations.

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

The ongoing management of Council's infrastructure interacts with the community through the implementation of actions contained within asset management plans that guide procedures for engagement and reporting of works programs. That involvement with the community guides the service delivery to stakeholders.

**2. Policy and Regulation**

- Asset Management Policy - The Asset Management Strategy includes Council's Asset Management Policy which lays out the strategic direction for management of Council assets. That Policy will be due for review in November 2020.

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

The Strategy guides the management of assets and therefore directs where the most appropriate financial implications should be focused from year to year within the annual budget.

**4. Asset Management (AMS)**

The Strategy is a key document that gives direction to individual asset category plans within Council's operations. The Strategy provides a link between the Community Strategic Plan to day to day delivery operations of Council so that assets can continue to be maintained to a sustainably desired level of service.

**5. Workforce (WMS)**

No implications.

Our Governance No. 33 Cont...

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

Nil.

## **7. Performance Measures**

Council's Operational Plan Action 5.1.1.2 sets down the task to review and update the Asset Management Strategy and Policy. The review of the Strategy is the first step in this task with a review of the Policy to be undertaken when it is due.

## **8. Project Management**

The management of individual asset areas is directed by individual managers, however the Strategy includes the operation of an Asset Management Team combining all the asset managers so that a uniform and co-operative delivery of services can be enabled.

**Fiona Keneally**  
**Director Infrastructure**

Prepared by staff member:	David Counsell
Approved/Reviewed by Manager:	Fiona Keneally, Director Infrastructure
Department:	Engineering Department
Attachments:	<b>1</b> Attachment 5 (Attachment Booklet 100 4) - Revised Asset Management Pages Strategy 2020-2030

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Manager Finance & Technology
<b>Reference:</b>	<b>ITEM GOV34/20</b>
<b>Subject:</b>	<b>REVIEW OF INVESTMENT POLICY</b>

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

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

#### **SUMMARY**

The purpose of this report is for Council to review and adopt the Investment Policy.

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

**That Council adopts the Investment Policy as attached.**

*(Please note that the version number and next review date will be updated once the Policy is adopted.)*

#### **BACKGROUND**

Council is required to review its Investment Policy each year. The Investment Policy was last revised by Council at the June 2019 Ordinary Council Meeting and is due for review.

It is up to Council to set the Framework for investing Council monies that it considers appropriate in terms of risk management.

#### **REPORT:**

Significant changes were made to the Investment Policy in May 2018 to modernise it in line with best practice principals based on guidelines for investing in other Local Government jurisdictions and advice from the NSW Treasury Corporation.

The aim of the Investment Policy continues to be to ensure that all surplus funds are prudently invested, obtaining the best possible interest rates, whilst ensuring the least possible risk by taking into consideration the institution's credit rating.

Due to some practical issues with the current policy, minor amendments are proposed as follows (proposed changes in red font, previous % in purple font):

#### **Counterparty Credit Framework**

This limits the exposure to an individual institution based on the credit rating of that institution such that exposure to any one institution is limited, as detailed in the table below:-

Our Governance No. 34 Cont...

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA to AA-	A-1+	50%* (was 45%)
A to A-	A-1	35%
BBB+ to BBB	A-2	15%
BB+ to D	-	5%
Government*		100%

\*Recognising that at times due to timing issues this may increase to 100% for brief periods.

The above change recognises that if Council only has investments with two financial institutions in the A-1+ rating, a 45% maximum can't be achieved to invest all of the funds available.

The addition of an asterixed note recognised the reality that sometimes due to timing of investment maturity funds directly invested in one institution may exceed this percentage for brief periods of time.

#### **COUNCIL IMPLICATIONS:**

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

There are no Community Engagement implications as a result of this report.

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

- This Investment Policy replaces previous versions of the said Policy.

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

Nil.

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

Nil.

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

Nil.

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

There are no legal implications as a result of this report. Investment risk is managed via the framework included in the Investment Policy.

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

Nil.

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

Nil.

**Kylie Smith**  
Chief Corporate Officer

Our Governance No. 34 Cont...

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

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

Department: Office of the Chief Corporate Officer

Attachments: **1** Investment Policy (Updated June 2020) **9** Pages



**INVESTMENT POLICY**

**Summary:**

This Policy Incorporates the provisions of Section 625 of the Local Government Act 1993, the Local Government Regulations, the Investment Policy Guidelines and the current Ministerial investment Order at 11 February provide a framework for the safe investment of Council’s surplus.

<b>Policy Number</b>	1.091
<b>File Number</b>	
<b>Document version</b>	V13.0
<b>Adoption Date</b>	24 June 2020
<b>Approved By</b>	Council
<b>Endorsed By</b>	Chief Executive Officer
<b>Minute Number</b>	
<b>Consultation Period</b>	
<b>Review Due Date</b>	Annual – June 2021
<b>Department</b>	Corporate & Governance
<b>Policy Custodian</b>	Manager Finance and Technology
<b>Superseded Documents</b>	Policy Adopted 18 May 2016 Revised 28 June 2017 Revised 23 August 2017 Revised 2018 Revised 2019
<b>Related Legislation</b>	Local Government Act 1993 Local Government Regulations Investment Policy Guidelines Ministerial Investment Order
<b>Delegations of Authority</b>	Chief Corporate Officer & Manager Finance & Technology

**1. Preamble**

This policy incorporates the provisions of Section 625 of the Local Government Act 1993, the Local Government Regulations, the Investment Policy Guidelines and the current Ministerial Investment Order at 11 February 2011.

**2. Definitions**

- Bloomberg Ausbond Bank Bill Index (the) is an index comprised of 13 synthetic instruments defined by rates interpolated from the RBA 24-hour cash rate and the one and three month Bank Bill Swap Rates.
- Authorised Deposit-taking Institutions (ADIs) are corporations authorised under the Bank Act 1959 (Cwth) to take deposits from customers. ADI’s include banks, building societies and credit unions all of which are regulated by the Australian Prudential Regulation Authority.



- Bank Bill Swap Rate is the compilation and average rate of market rates supplied by domestic banks relating to multiple maturities of bank bills.
- Bill of Exchange (a) is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.
- Debenture (a) is a debt security usually secured by a fixed or floating charge over an underlying asset or pool of assets. Debentures are normally issued by companies in return for medium and long term investment funds.
- Floating Rate Notes are securities that (in Australia) pay a coupon normally priced at a fixed margin above the Bank Bill Swap Rate.
- TCorp means NSW Treasury Corporation
- Term Deposits (or Deposits) are non-tradeable investments offered by ADIs with varying maturity dates (normally from one month to 60 months) and a rate set at the outset. Interest is normally payable upon maturity or if the term is longer than 12 months, annually from the investment date. Penalties apply if the funds are withdrawn before maturity and a notice period of 31 days is usually required.

### 3. Policy Statement

An investment policy is a governing document that guides the investment process. It should communicate the Council's:

- investment philosophy;
- overall risk policy
- identify the roles for those involved in the investment process; and
- detail the requirements for compliance with the policy's goals and procedures.

Interest on investments represents a significant contribution to the total income of Council and it is essential that Council has clear policy guidelines as to how funds can be invested. While the Local Government Act 1993 – Order (relating to investments by Councils) is quite explicit as to the types of institutions with which Council can invest, there are nevertheless variations in the financial ratings of these institutions and the types of investments that can be purchased, which are not explained. This policy aims to clearly state the institutions with which Council can invest, the maximum proportion of funds that may be placed with individual organisations, and the types of investments entered into.

Council officers that are involved in selecting, reviewing and/or monitoring investment products should use this policy to ensure they understand the

parameters, risks and expectations that Councils are required to consider when making an investment.

#### 4. Scope

This policy applies to investment monies built up through:

- General unrestricted reserves created through rate income and other revenue sources exceeding (re)current expenditure, sale of properties and other assets;
- Restricted reserves that accrue through contributions under Section 94 of the Environmental Planning and Assessment Act 1979;
- Internally restricted reserves;
- Restricted reserves accruing through special purpose grants; donations etc.;
- Loan proceeds drawn down awaiting expenditure; and
- Timing differences within the year between rate receipts and applications

#### 5. Objectives

This policy provides a framework for the investing of Council's funds at the most favourable rate of interest available at the time, whilst having due consideration of risk and security for that type of investment, and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration is to be given to the preservation of capital, liquidity, and the return on investment.

- Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters. In setting these limits Council is determining the general level of risk that is acceptable for public monies managed for the Tenterfield Shire Council community.
- Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring the risk of significant costs due to the unanticipated sale of an investment.
- Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance.

## 6. Legislative Requirements

Council's power to invest is derived from Section 625 of the Local Government Act 1993, as amended by the Statute Law (Miscellaneous Provisions) Act 2000, which limits investments to only those that the Minister approves.

The Local Government Act 1993 section 625 (2) states that:

*"Money may be invested only in a form of investment notified by order of the Minister published in the Gazette."*

All investments are to comply with the following:

- Local Government Act 1993 - Section 412 and 625;
- Local Government Act 1993 - Investment Order (of the Minister) - in accordance with the most recently published Order;
- The Trustee Amendment (Discretionary Investments) Act 1997 - Sections 14A(2), 14C(1) and (2);
- Local Government (General) Regulation 2005 - Regulation 212;
- Local Government Code of Accounting Practice and Financial Reporting;
- Office of Local Government Investment Policy Guidelines - May 2010;
- Australian Accounting Standards.

## 7. Delegation of Authority

Authority for the implementation of the Investment Policy is delegated by Council to the Chief Executive Officer in accordance with the Local Government Act 1993.

The Chief Executive Officer may in turn delegate the day to day management of Council's investments to the Manager Finance and Technology or other staff members subject to regular reviews.

Council Officer's delegated authority to manage Council's investments shall be recorded, and they shall be required to acknowledge they have received a copy of this policy and understand their obligations in this role.

## 8. Prudent Person Standard

The investment will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of the Investment Policy.

Whenever an investment deposit is proposed, the Council Officer shall obtain not less than three (3) quotations from authorised institutions.

## 9. Ethics and Conflict of Interest

Council officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the Chief Executive Officer.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest.

## 10. Approved Investments

The Ministerial Investment Order allows for the following as approved investments:

- Commonwealth / State / Territory Government security i.e. bonds;
- Interest bearing deposits issued by an authorised Deposit-taking Institution (ADI)
- Bills of exchange, (<200 days duration), guaranteed by and Authorised Deposit taking Institution (ADI);
- Debentures issued by NSW Local Government;
- Deposits with NSW Treasury and/or investments in TCorp's Hour Glass Investment Facility; and,
- Investments grandfathered under the previous Ministerial Investment Order.

## 11. Prohibited Investments

This Investment Policy prohibits, but is not limited to, any investment carried out for speculative purposes including:

- Any investment product that is not included in the Ministerial Investment Order and the "Approved Investments" listing outlined above;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Standalone securities issued that have underlying futures, options, forwards contracts and swaps of any kind.

This policy also prohibits the use of leveraging (borrowing to invest) an investment, but to clarify, does not exclude loans for other purposes (such as loans under the Local Infrastructure Renewal Scheme) being invested prior to the expenditure of those funds for their intended purpose.

## 12. Investment Advisor

If an investment advisor is engaged s/he must be approved by Council and licensed by the Australia Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflicts of interest in relation to investment products being recommended. The investment advisor may

recommend the most appropriate product within the terms and conditions of the investment Policy.

The independent advisor is required to provide written confirmation that s/he does not have any actual or potential conflicts of interest in relation to the investments s/he is recommending or reviewing, including that s/he is not receiving any commissions or benefits in relation to the investments being recommended or reviewed.

### **13. Risk Management Guidelines**

Investments obtained are to be considered in light of the following key criteria:-

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value;
- Diversification of Financial Institutions – the requirement to place investments in a broad range of institutions so as not to be over exposed to a particular organisation within the investment market;
- Market Risk – the risk that the fair value or future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity Risk – the risk an investor is unable to redeem the investment at a fair price within a timely period; and
- Maturity Risk – the risk relating to the length of term to maturity of the investment. The larger the term, the greater the length of exposure and risk to market volatilities.

### **14. Credit and Maturity Limits**

Investments obtained must comply with key criteria as indicated below relating to:

- a) Portfolio Credit Framework: limit overall credit exposure to the portfolio;
- b) Counterparty Credit Framework: limit exposure to individual counterparties/institutions;
- c) Term of Maturity Framework: limits based upon maturity of securities;
- d) Protection of Principal: Investments entered into must be structured to minimise risk of loss of principal;
- e) Grant Funding Conditions: conditions relating to grant funding available to invest must be complied with;
- f) Trust funds are excluded from this Policy as they must be kept in a separate bank account.

A) Overall Portfolio Limits

The following credit framework limits the percentage of the portfolio exposed to any particular credit rating category:-

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA to AA-	A-1+	100%
A to A-	A-1	45%
BBB+ to BBB-	A-2	25%
BB+ to D	-	10%
Government*		100%

B) Counterparty Credit Framework

This limits the exposure to an individual institution based on the credit rating of that institution such that exposure to any one institution is limited, as detailed in the table below:-

S&P Long Term Rating	S&P Short Term Rating	Direct Investment Maximum %
AAA to AA-	A-1+	50%* (was 45%)
A to A-	A-1	35%
BBB+ to BBB	A-2	15%
BB+ to D	-	5%
Government*		100%

\*Recognising that at times due to timing issues this may increase to 100% for brief periods.

For the purpose of determining the "Direct Investment Maximum %", an investment in an approved institution which operates as a division of a parent institution, shall be treated as being an investment in the parent institution.

C) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Term to Maturity Limits	
Portfolio % < 1 year	100% maximum 60% minimum
Portfolio % > 1 year < 5 years	40%
Individual Investment Maturity Limits	
ADI	Five (5) years
Non ADI	Three (3) years

\*An exception to the above limits applies to funds placed with either the Australian Federal Government or the NSW State Government or their respective Treasury Functions. 100% of

Council's monies can be placed with these institutions. In the event that an entity is unrated by S&P but rated by Moody's or Fitch, the S&P equivalent to that rating is to be utilised into the above framework. The short term credit rating will apply in the case of discrepancies between the short and long term rating.

### **15. Benchmarking**

Performance benchmarks are to be provided for comparative purposes only. The benchmark is not an investment return target. The rate of return on Council's investments will be dependent on Council's risk tolerance.

The Term Deposit rate for the average 90-day rate of the five (5) largest banks identified in the Bloomberg Ausbond Bank Bill Index is considered appropriate for the purpose of benchmarking Council's investments.

### **16. Reporting and Reviewing of Investments**

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date and changes in market value. Any material deterioration in Council's investment portfolio is to be reported to Council at the next available Ordinary Council Meeting.

Any breaches of the Policy will also be included in the first investment report following the discovery of any breach.

This Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this policy. Any amendment to the Investment Policy must be by way of Council resolution.

### **16. Accountability, Roles & Responsibility**

#### **Elected Council**

- Provide strategic direction and stewardship;
- Consider legislative requirements and good governance when setting policies and strategies;
- Adopt an Investment Policy annually.

#### **Chief Executive, Executive and Management Teams**

- Implement the policy and oversee the compliance of Council Investments with the policy;
- Keeping abreast of legislative amendments and review and make recommendations for variations to the policy as required.

**Individual Managers**

- Manager Finance and Technology to ensure adherence to this Policy and report any breaches;
- Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

**17. Related Documents, Standards & Guidelines**

All investments are to comply with the following:-

- *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.

**18. Version Control & Change History**

Version	Date	Modified by	Details
V1.0	27 April 2000	Council	Adoption of Original Policy (334/00)
V2.0	28 November 2007	Council	Revised Policy (690/07)
V3.0	22 October 2008	Council	Revised Policy (236/08)
V4.0	22 September 2010	Council	Revised Policy (680/10)
V5.0	26 October 2011	Council	Revised Policy (509/11)
V6.0	24 October 2012	Council	Revised Policy (427/12)
V7.0	23 October 2013	Council	Revised Policy (385/13)
V8.0	21 May 2014	Council	Revised Policy (159/14)
V9.0	20 May 2015	Council	Revised Policy (137/15)
V9.1	18 May 2016	Council	Revised Policy (120/16)
V10.0	28 June 2017	Council	Revised Policy (105/17)
V11.0	23 May 2018	Council	Revised Policy
V12.0	May 2019	Council	Revised Policy
V13.0	24 June 2020	Council	Revised Policy



<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Manager Finance & Technology
<b>Reference:</b>	<b>ITEM GOV35/20</b>
<b>Subject:</b>	<b>COUNCILLOR SUPERANNUATION DISCUSSION PAPER</b>

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

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

#### **SUMMARY**

The purpose of this report is to inform Council and the Community of a discussion paper issued by the Office of Local Government on Councillor Superannuation and to open the discussion paper up for public comments for a period of 28 days, following which a further report will be brought back to Council to discuss Council and Public feedback on this matter before providing a response back to the Office of Local Government.

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

##### **That Council:**

- (1) Note the attached Discussion Paper on the issue of Councillor Superannuation;**
- (2) Place the Discussion Paper on public exhibition for 28 days to seek feedback from the community; and**
- (3) At the completion of the public exhibition period, a further report be brought back to Council outlining a proposed response from Tenterfield Shire Council to the Office of Local Government, incorporating both public feedback and Councillor and Council staff comments.**

#### **BACKGROUND**

In March 2020, a Discussion Paper was released by the Office of Local Government on the issue of Councillor Superannuation. As COVID struck soon after the release of this document, the closing date for submissions is now Friday, 7 August 2020.

In the forward to the document, the Hon Shelley Hancock MP, Minister for Local Government comments that:

*"Under Commonwealth legislation, councils are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors because they are not employees of Councils."*

Our Governance No. 35 Cont...

The Minister goes onto say that one of the contributing factors deterring women from nominating for Council is the lack of superannuation payments and that this also contributes to deterring people under 35 years from nominating to be on Council.

Further, remuneration of Mayors and Councillors is set independently by the Local Government Remuneration Tribunal. It is currently possible though, for Councils to make superannuation contributions on behalf of Mayors and Councillors on a pre-tax basis out of the fees they received from Council as determined by the Tribunal

The Minister goes onto say:

*"However the Government recognises that not everyone agrees with the current arrangements and acknowledges the calls for councils to be required to make superannuation contributions on behalf of mayors and councillors in addition to the payment of their fees. The purpose of this discussion paper is to encourage further discussion about this issue and assist the Government in better understanding the views of the local government sector and the broader community."*

The report goes onto discuss the existing remuneration system for Mayors and Councillors, the arguments for and against making superannuation contributions to Mayors and Councillors and provides some different options and legislative models.

**REPORT:**

The key questions that the Discussion Paper is asking to be considered are:

- 1) Should Councils be required to make superannuation contributions for the Mayor and Councillors?
- 2) Should contributions be made as a portion of Mayors and Councillors fees or in addition to them?
- 3) Which is your preferred option?
- 4) Do you have an alternative suggested option?

The reasons put forward in the Discussion Paper as to why Mayors and Councillors should receive superannuation payments in addition to their fees are:

- 1) It will ensure the Mayor and Councillors are adequately remunerated for the performance of their duties;
- 2) It will address a historic anomaly that has seen Mayors and Councillors denied the benefit of superannuation guarantee payments enjoyed by the broader workforce; and
- 3) It is hoped it will encourage more women to stand as candidates for election to Councils.

The arguments for these are outlined in the Discussion Paper and Council staff won't attempt to taint them with additional commentary but from a financial perspective if introduced, the likely additional cost is \$14,072.44 while the percentage is set at 9.5%, recognising that this is likely to increase to 12% in the future.

## Our Governance No. 35 Cont...

In terms of the options suggested by the Office of Local Government, the following four options are provided in the Discussion Paper:

- 1) Maintaining the status quo; or
- 2) Amending the NSW Local Government Act 1993 to require councils to pay a portion of the Mayor and Councillor fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the Mayor and Councillors; or
- 3) Amending the NSW Local Government Act 1993 to require Councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the Mayor and Councilors in addition to the payment of Mayor and Councillor fees; or
- 4) Amend the NSW Local Government Act 1993 to give Councils the option to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the Mayor and Councillors in addition to the Mayor and Councillor fees.

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

The Discussion Paper on Councillor Superannuation will be placed on public exhibition for 28 days from 25 June 2020 and a report brought back to the July 2020 Ordinary Council meeting.

**2. Policy and Regulation**

Not applicable.

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

Choosing an option to pay superannuation to the Mayor and Councillors would add an additional \$14,072.44 in expenditure based on the current Superannuation Guarantee Levy of 9.5% and the current payments to the Mayor and Councillors.

**4. Asset Management (AMS)**

Not applicable.

**5. Workforce (WMS)**

Not applicable.

**6. Legal and Risk Management**

Not applicable.

**7. Performance Measures**

Not applicable.

**8. Project Management**

Not applicable.

Our Governance No. 35 Cont...

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

Prepared by staff member: Paul Della; Noelene Hyde  
Approved/Reviewed by Manager: Kylie Smith, Chief Corporate Officer  
Department: Office of the Chief Corporate Officer  
Attachments: **1** Councillor Superannuation Discussion Paper **14** Pages



Office of  
Local Government

# COUNCILLOR SUPERANNUATION

Discussion paper

March 2020

Strengthening local government

**ACCESS TO SERVICES**

The Office of Local Government is located at:

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**OFFICE HOURS**

Monday to Friday  
9.00am to 5.00pm  
(Special arrangements may be made if these hours are unsuitable)  
The office is wheelchair accessible.

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Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact Client Services on 02 4428 4100.

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## Minister's foreword



Since becoming the Minister for Local Government, I have actively engaged with local councils across New South Wales. I am constantly impressed by the passion held by our mayors and councillors, and frequently find myself commenting on the incredible work ethic of many who continually deliver for their communities.

I am proud to be a part of a Government that is committed to supporting councils to deliver for their local communities. Since 2011 this Government has provided more than \$9 billion to local councils to deliver and improve local infrastructure, services and facilities for their communities. About half of this funding has gone to regional and rural communities which are struggling through one of the worst droughts on record and are recovering and rebuilding after the recent natural disasters. This funding boost has helped local councils provide the very things that make our communities tick – from local infrastructure to essential services and programs that unite local residents.

Under Commonwealth legislation, councils are not required to make superannuation contributions in relation to the fees they pay to mayors and councillors because they are not employees of councils. Recently I was pleased to host a workshop where the obstacles that deter women from nominating to be a councillor or mayor were identified, and the lack of superannuation payments was one of the barriers raised. It can also be said that this goes some way in deterring people under 35 from representing their community on their local council.

As you know, mayors and councillors currently receive a level of remuneration that is independently set by the Local Government Remuneration Tribunal based on the application of a range of criteria. It is currently possible for councils to make superannuation contributions on behalf of mayors and councillors on a pre-tax basis out of the fees they receive from the council as determined by the Tribunal.

However, the Government recognises that not everyone agrees with the current arrangements and acknowledges the calls for councils to be required to make superannuation contributions on behalf of mayors and councillors in addition to the payment of their fees. The purpose of this discussion paper is to encourage further discussion about this issue and assist the Government in better understanding the views of the local government sector and the broader community.

The discussion paper:

- provides information on the current system for setting councillor remuneration and the legislation governing superannuation contributions for elected officials
- sets out the arguments for and against the payment of superannuation contributions for mayors and councillors, and
- provides different options and legislative models.

I welcome your input into this conversation and look forward to hearing your views.

**The Hon Shelley Hancock MP**  
**Minister for Local Government**

## 1. Should mayors and councillors in NSW receive superannuation payments in addition to their fees?

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Reasons that mayors and councillors should receive superannuation payments in addition to their fees can be summarised as follows:

- it will ensure that mayors and councillors are adequately remunerated for the performance of their duties
- it will address a historic anomaly that has seen mayors and councillors denied the benefit of superannuation guarantee payments enjoyed by the broader workforce, and
- it is hoped it will encourage more women to stand as candidates for election to councils.

Each of these arguments are examined below.

### Are NSW mayors and councillors adequately remunerated?

In NSW, the remuneration received by mayors and councillors is independently set by an expert tribunal, the Local Government Remuneration Tribunal.

Under section 239 of the NSW *Local Government Act 1993* (the Act), the Tribunal is required to determine the categories of councils and mayoral offices and to place each council and mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

To ensure that mayors and councillors receive remuneration that is commensurate with, and reflects their workload and responsibilities, the Tribunal is required to consider a range of criteria under section 240 of the Act in determining remuneration categories. These include:

- the size, physical terrain, population and the distribution of the population of each local government area
- the nature and volume of business dealt with by each council
- the nature and extent of the development of each local government area
- the diversity of the communities each council serves
- the regional, national and international significance of the council, and
- any other matters the Tribunal considers relevant to the provision of efficient and effective local government.

The Tribunal last undertook a significant review of the categories and the allocation of councils into each of the categories in 2017. The Tribunal has indicated that it will next consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020.

Under section 241 of the Act, the Tribunal is required to determine, no later than 1 May in each year, for each of the categories determined under section 239, the maximum and minimum amount of fees to be paid to mayors and councillors of councils, as well as chairpersons and members of county councils.

As noted above, in determining the maximum and minimum fees payable in each of the categories, the Tribunal is required under section 242A(1) of the Act, to give effect to the same policies on increases in remuneration as the Industrial Relations Commission.

The current policy on wages is that public sector wages cannot increase by more than 2.5 per cent, and this includes the maximum and minimum fees payable to councillors and mayors and chairpersons and members of county councils.



However, the Tribunal is able to determine that a council can be placed into another existing or a new category with a higher range of fees without breaching the Government's wage policy pursuant to section 242A(3) of the Act. This means that where, for whatever reason, the workload or responsibilities of the mayor and councillors increase, they may receive an increase in remuneration that reflects their increased workload even if that increase exceeds the 2.5% public sector wages cap.

The current remuneration levels for mayors and councillors in each category are set out below:

**Table 1: Minimum and maximum fees for NSW mayors and councillors**

Category	Councillor/Member Annual Fee	Councillor/Member Annual Fee	Mayor/Chairperson Additional Fee*			
			Minimum	Maximum		
General Purpose Councils – <b>Metropolitan</b>	Principal CBD	1	27,640	40,530	169,100	222,510
	Major CBD	1	18,430	34,140	39,160	110,310
	Metropolitan Large	8	18,430	30,410	39,160	88,600
	Metropolitan Medium	9	13,820	25,790	29,360	68,530
	Metropolitan Small	11	9,190	20,280	19,580	44,230
General Purpose Councils – <b>Non - metropolitan</b>	Regional City	2	18,430	32,040	39,160	99,800
	Regional Strategic Area	2	18,430	30,410	39,160	88,600
	Regional Rural	37	9,190	20,280	19,580	44,250
	Rural	57	9,190	12,160	9,780	26,530
<b>County Councils</b>	Water	4	1,820	10,140	3,920	16,660
	Other	6	1,820	6,060	3,920	11,060

- Mayors and county council chairpersons receive their fee **in addition to** the fee they receive as a councillor/member.

A comparison of average remuneration received by mayors and councillors in NSW with the remuneration received by their counterparts in other jurisdictions indicates that NSW councillors receive similar or higher levels of remuneration than their counterparts in other jurisdictions other than Queensland.

**Table 2: Interjurisdictional comparison of councillor remuneration (as paid at March 2020)**

Jurisdiction	Average	Lowest Fee	% NSW fee	Highest fee	% NSW fee
NSW	24,860	9,190		40,530	
QLD	141,066	53,049	577%	160,938	397%
VIC	27,999	8,833	96%	47,165	116%
TAS	23,372	9,546	104%	37,198	92%
WA	17,634	3,589	39%	31,678	78%
NT <sup>1</sup>	13,283	4,428	48%	22,137	55%
SA	16,215	6,500	71%	25,930	64%

**Table 3: Interjurisdictional comparison of mayors' remuneration (as paid at March 2020)**

Jurisdiction	Average	Lowest Fee	% NSW fee	Highest fee	% NSW fee
NSW	141,005	18,970		263,040	
QLD	185,824	106,100	1,030%	265,549	101%
VIC	131,877	62,884	331%	200,870	76%
TAS	58,430	23,863	125%	92,997	35%
WA	94,443	4,102	22%	184,784	70%
NT	73,856	24,619	130%	123,093	47%
SA	101,500	26,000	137%	177,000	67%

<sup>1</sup> NT's councillor and mayoral fees are based on the Councillor Member Allowances for July 2018-2019

**Have NSW mayors and councillors been denied a financial benefit received by other members of the workforce through the payment of the superannuation guarantee?**

The superannuation guarantee was introduced in 1992-93, with compulsory contributions rising at regular intervals from 3 per cent of wages in that year to 9 per cent in 2002-03 and 9.5 per cent in 2013-14. The superannuation guarantee is scheduled to rise incrementally from 9.5 per cent of wages today to 12 per cent by July 2025.

While superannuation guarantee payments are made in addition to an employee's wages, as the Grattan Institute has demonstrated<sup>2</sup>, higher compulsory superannuation contributions are ultimately funded by lower wages. When the superannuation guarantee increases, this is wholly or mostly borne by workers who receive smaller pay rises and lower take-home pay. For example, when the superannuation guarantee increased by from 9 per cent to 9.25 per cent in 2013, the Fair Work Commission stated in its minimum wage decision that the proposed minimum wage increase was "lower than it otherwise would have been in the absence of the Super Guarantee increase".

Given the evidence that superannuation guarantee payments are in effect paid for by workers through lower wages, it would be over simplifying the situation to assume that workers are receiving a 9.5% supplementary payment that is being denied to NSW mayors and councillors.

The last increase in the superannuation guarantee came into effect in 2013/14 when the contribution rate increased from 9.25% to 9.5%. A comparison of increases in average weekly earnings with increases in NSW mayors' and councillors' remuneration as determined by the Tribunal since then indicates that NSW mayors and councillors have, on average, enjoyed slightly higher increases in remuneration than the rest of the community.

**Table 4: Comparison of increases in average weekly earnings with increases in mayors' and councillors' remuneration**

Financial year	Average weekly ordinary time earnings Aust - annual average increase June to June each year	Councillor remuneration increase 1 July
1 July 2014 – 30 June 2015	2.3%	2.5%
1 July 2015 – 30 June 2016	2.0%	2.5%
1 July 2016 – 30 June 2017	2.2%	2.5%
1 July 2017 – 30 June 2018	1.8%	2.5%
1 July 2018 – 30 June 2019	2.7%	2.5%
1 July 2019 – 30 June 2020	3.1%	2.5%

<sup>2</sup> See John Daley and Brendan Coates (2018) [Money in retirement: More than enough](#). Grattan Institute. November 2018

Were councils to be required to make an additional payment on behalf of mayors and councillors equivalent to the superannuation guarantee amount (currently 9.5% of their fees) this would, in effect confer on mayors and councillors a 9.5% increase in their remuneration outside of the normal process for setting mayors' and councillors' remuneration by the Local Government Remuneration Tribunal.

This will not be a one-off increase. With the superannuation guarantee set to increase to 12% in the years up to 2025, this would see further increases to mayors' and councillors' remuneration over and above any increases approved by the Tribunal.

While the receipt of a 9.5% increase in their remuneration through the payment of the superannuation guarantee is likely to be widely supported by mayors and councillors, it is important that the community is consulted and support shown by them before changes are made.

At present it is not clear whether ratepayers would support seeing the revenue they contribute to their local councils being diverted from providing services and infrastructure to fund a 9.5% increase in remuneration for their elected representatives.

### **Will payment of the superannuation guarantee encourage more women to stand as candidates at council elections?**

Payment of the superannuation guarantee for mayors and councillors has been promoted as an equity measure to address disparities in men's and women's superannuation balances.

Research has demonstrated that the principal impediments to more women standing as candidates at local government elections are:

- lack of awareness of local government and the role of councils and councillors
- feeling unqualified
- balancing carer and work commitments
- the investment of time required to be an effective councillor, and
- perceptions of the culture of councils and councillor conduct.<sup>3</sup>

The payment of the superannuation guarantee would benefit male and female councillors alike. In the short term, male mayors and councillors will be the principal beneficiaries of any increase in remuneration through the receipt of an additional superannuation payment given that they currently comprise 69% of councillors in NSW<sup>4</sup>.

Major stakeholders promoting an increase in the number of females represented on councils including Local Government NSW, Women for Election Australia, Australian Local Government Women's Association and the Country Women's Association of NSW recently noted that "a key barrier for women standing for election to local government can be the lack of access to superannuation, with women unwilling to take on more work with insufficient remuneration". The stakeholders also noted "women tend to have far lower superannuation balances than men, often due to time out of the workforce caring for family members".

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<sup>3</sup> See Manion, Jo and Sumich, Mark (2013), [Influencing Change – Views of elected representatives on leadership, decision making and challenges for Local Government in NSW](#)

<sup>4</sup> See Office of Local Government (2019), [NSW Candidate and Councillor Diversity Report 2017](#)

**Will payment of the superannuation guarantee encourage younger people to stand as candidates at council elections?**

Two separate studies undertaken by the University of Melbourne in 2014<sup>5</sup> and 2015<sup>6</sup> found that younger people tend not to be engaged by and are uninterested in superannuation or retirement planning. HECS repayments and saving to purchase a first home tend to be higher financial priorities for younger people than saving for retirement.

The average tenure of councillors is between one to two terms. More than three quarters (77%) of councillors elected at the 2012, 2016 and 2017 elections had served two terms or less. Assuming that councillors were to receive the superannuation guarantee of 9.5% with respect to their fees over one or two terms, as demonstrated by table 5, the value of the capital contributions made to their superannuation funds would, at retirement, represent a small proportion of their accumulated lifetime superannuation capital.

**Table 5: Comparison of superannuation contribution amounts that would be made on the maximum annual fee in each category of council at a rate of 9.5% over 1 term (4 years) and 2 terms (8 years).**

Category		Number of Councils in Category	Councillor/Member Maximum Annual Fee	4 years at 9.5%	8 years at 9.5%
General Purpose Councils – Metropolitan	Principal CBD	1	40,530	15,401	30,802
	Major CBD	1	34,140	12,973	25,946
	Metropolitan Large	8	30,410	11,556	23,112
	Metropolitan Medium	9	25,790	9,800	19,600
	Metropolitan Small	11	20,280	7,706	15,412
General Purpose Councils – Non-metropolitan	Regional City	2	32,040	12,175	24,350
	Regional Strategic Area	2	30,410	11,556	23,112
	Regional Rural	37	20,280	7,706	15,412
	Rural	57	12,160	4,621	9,242
County Councils	Water	4	10,140	3,853	7,706

<sup>5</sup> See Ali, Paul and Anderson, Malcolm and Clark, Martin and Ramsey, Ian and Shekhar, Chander (2014), *Superannuation Knowledge, Behaviour and Attitudes in Young Adults in Australia*. CIFR Paper No. RP002/2014

<sup>6</sup> See Ali, Paul and Anderson, Malcolm and Clark, Martin and Ramsey, Ian and Shekhar, Chander (2015), *No Thought for Tomorrow: Young Australian Adults' Knowledge, Behaviour and Attitudes About Superannuation*. Law and Financial Markets Review Vol. 9, No. 2, pages 90-105



	Other	6	6,060	2,303	4,606
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**How much will it cost and who will pay?**

The cost of paying the superannuation guarantee for mayors and councillors will need to be met by each council out of its existing budget.

This cost will vary from council to council depending on what fees the mayor and councillors receive and how many councillors there are on the council. The table below sets out the average annual cost to councils in each remuneration category of paying the 9.5% superannuation guarantee for the mayor and each councillor based on the maximum annual fee payable in each category.

The total estimated annual cost of paying the 9.5% superannuation guarantee for mayors and councillors for the local government sector as whole is close to \$3 million (\$2,758,739).

**Table 6: Average annual cost to councils of making a 9.5% superannuation contribution for mayors and councillors**

Category		Councils in Category	Average annual cost of paying 9.5% superannuation contribution for mayors and councillors
General Purpose Councils – Metropolitan	Principal CBD	1	55,792
	Major CBD	1	55,886
	Metropolitan Large	8	45,973
	Metropolitan Medium	9	35,911
	Metropolitan Small	11	21,541
General Purpose Councils – Non-metropolitan	Regional City	2	46,007
	Regional Strategic Area	2	45,973
	Regional Rural	37	21,543
	Rural	57	11,762
County Councils	Water	4	9,289
	Other	6	5,081

## 2. Why are councils not required to make superannuation guarantee payments to mayors and councillors?

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The Commonwealth *Superannuation Guarantee (Administration) Act 1993* (SG Act) imposes an obligation on an employer to pay the superannuation guarantee of 9.5% of an employee's earnings to a complying superannuation fund nominated by the employee.

The obligations under the SG Act do not extend to councils with respect to the fees they pay to mayors and councillors because they are not employees of the council for the purposes of that Act. Mayors and councillors are elected to a civic office in the council and the council is not their employer.

Section 12(9A) of the SG Act expressly excludes mayors and councillors across Australia from the definition of "employee" meaning that councils are not obliged to make superannuation guarantee payments to mayors and councillors under that Act. Section 12(9A) of the SG Act provides that, "a person who holds office as a member of a local government council is not an employee of the council".

Section 251 of the NSW Local Government Act also makes it clear that the payment of a fee to a mayor or councillor does not constitute the payment of a salary and mayors and councillors are not to be taken to be employees of councils because of the payment of the fee.

## 3. Can NSW councils make superannuation contributions on behalf of mayors and councillors as a component of their fees?

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There is nothing currently preventing councils from making superannuation contributions on a voluntary basis on behalf of the mayor and councillors.

The Australian Tax Office has made a definitive ruling, (ATO ID 2007/205) that allows for mayors and councillors to redirect their annual fees into superannuation on a pre-tax basis.

In practical terms, there is nothing currently preventing mayors and councillors, who wish to make concessional contributions to their superannuation funds, from entering into an arrangement with their council under which they agree to forego part of their remuneration in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.

Councils are also able to determine for themselves, by council resolution and/or within an appropriate council policy, if and how councillors may do this.

#### 4. Can NSW councils make superannuation contributions on behalf of mayors and councillors in addition to the payment of their fee?

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It is open to councils under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the Commonwealth *Taxation Administration Act 1953* (TAA) to resolve that mayors and councillors are subject to Pay As You Go withholding. The resolution must be unanimous to be effective.

A resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA operates to take the mayor and councillors out of section 12(9A) of the SG Act, which recognises that they are not employees of the council, and brings them within section 12(10) of the SG Act which states that:

*A person covered by paragraph 12-45(1)(e) in Schedule 1 to the Taxation Administration Act 1953 (about members of local governing bodies subject to PAYG withholding) is an employee of the body mentioned in that paragraph.*

Section 12(1) effectively deems the mayor and councillors to be employees and the council to be their employer for the purposes of the SG Act. This will mean the council will be obliged to make superannuation guarantee contributions (currently 9.5% of the mayor's and councillors' fees) to complying superannuation funds in respect of fees paid to the mayor and councillors. These contributions would be paid in addition to the fees received by the mayor and councillors.

It should be noted however that a resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA will also result in mayors and councillors being treated as employees for a wide range of other taxation purposes. Among other things:

- the council will have to withhold amounts from the payment of fees to the mayor and councillors in accordance with section 12-45(1)(e) of Schedule 1 of the TAA
- the council will be subject to fringe benefits tax under the Commonwealth *Fringe Benefits Tax Assessment Act 1986* on the taxable value of expenses paid to and facilities provided to the mayor and councillors under the council's councillor expenses and facilities policy adopted under section 252 of the LGA, and
- the council will be obliged under Commonwealth *Child Support (Registration and Collection) Act 1988* to withhold payments from fees paid to the mayor and councillors for the purposes of making child support/maintenance/carer payments.

It is unclear however whether a resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA is permissible under sections 248(2) and 249(3) of the Act where it would have the consequence of requiring a council to make a superannuation guarantee contribution in respect of the fees paid to councillors and the mayor that, taken together with their fees, exceeds the maximum amount determined by the Local Government Remuneration Tribunal.

It is also unclear what impact section 242A of the Act would have in relation to a council's resolution under sections 446-5(1)(a) and 12-45(1)(e) of Schedule 1 of the TAA. Section 242A of the Act places an obligation on the Local Government Remuneration Tribunal when determining the remuneration of mayors and councillors, to apply the same policies on increases in remuneration as those that the Industrial Relations Commission is required to apply under section 146C of the NSW *Industrial Relations Act 1996* when making or varying awards or orders relating to the conditions of employment of public sector employees.



It is possible that where a council is obliged to make superannuation guarantee contributions on behalf of the mayor and councillors in addition to their fee, the Tribunal may, in turn, be obliged under section 242A to make a determination reducing the mayor's and councillors' fees to ensure that the fee and superannuation contribution do not result in an increase that exceeds the 2.5% public sector wages cap.

## 5. What is the position in Queensland?

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Section 226 of the Queensland *Local Government Act 2009* gives councils the option to pay an amount into a complying superannuation fund on behalf of the mayor and councillors up to an amount payable with respect to employees of the council. The amount paid is in addition to the amount the mayor and councillor receive as a fee. Alternatively, councils may contribute a portion of the mayor's or councillors' fees to complying superannuation fund as is the case in NSW.

## 6. Options

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### **Option 1: Maintaining the status quo**

Under this option, councils will continue not to be obliged to make superannuation guarantee payments on behalf of the mayor and councillors. Mayors and councillors who wish to make concessional contributions to their superannuation funds can continue to enter into an arrangement with the council under which they agree to forego part of their fee in exchange for the council making contributions to a complying superannuation fund on their behalf on a pre-tax basis.

### **Option 2: Amending the NSW Local Government Act 1993 to require councils to pay a portion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.**

Under this option, the Act would be amended to require councils to pay a proportion of the mayor's and councillors' fees equivalent to the superannuation guarantee amount into a complying superannuation fund nominated by the mayor and councillors.

### **Option 3: Amending the NSW Local Government Act 1993 to require councils to pay an amount equivalent to the superannuation guarantee into a complying superannuation fund nominated by the mayor and councillors in addition to the payment of the mayor's and councillors' fees.**

Under this option, all councils will be required to pay an amount equivalent to the superannuation guarantee contribution payable with respect to the mayor's and councillors' fees, into a complying superannuation fund nominated by the mayor and councillors. The payment would be made in addition to the payment of the mayor's and councillors' fees.

A supporting amendment would be required to exempt the additional payment from section 242A of the Act.

### **Option 4: Amend the NSW Local Government Act 1993 to give councils the option to pay an amount equivalent to the superannuation guarantee into a**

**complying superannuation fund nominated by the mayor and councillors in addition to the mayor's and councillors' fees.**

This option is based on the Queensland model. Under this option, the payment of an additional superannuation contribution in addition to the mayor's and councillors' fees would be optional for councils. Councils would also have the option to make a superannuation contribution on behalf of the mayor and councillors as a portion of the mayor's or councillors' fees.

As with option 3, a supporting amendment would be required to exempt the additional payment from section 242A of the Act.

## 7. Have Your Say

We now want to hear from you.

**Key  
questions  
to  
consider**

- **Should councils be required to make superannuation contributions for the mayor and councillors?**
- **Should contributions be made as a portion of mayors' and councillors' fees or in addition to them?**
- **Which is your preferred option?**
- **Do you have an alternative suggested option?**

Submissions may be made in writing by COB Friday 7 August 2020 to the following addresses.

**Post**  
Locked Bag 3015  
NOWRA NSW 2541

**Email:**  
[olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

Submissions should be labelled 'Councillor Superannuation Consultation' and marked to the attention of OLG's Council Governance Team.

### Further information

For more information, please contact OLG's Council Governance Team on (02) 4428 4100 or via email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Manager Finance & Technology
<b>Reference:</b>	<b>ITEM GOV36/20</b>
<b>Subject:</b>	<b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 31 MAY 2020</b>

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

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

#### **SUMMARY**

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

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

**That Council receive and note the Finance and Accounts Report for the period ended 31 May 2020.**

#### **BACKGROUND**

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

#### **REPORT:**

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

#### (a) Reconciliation of Accounts

A reconciliation of the cash books of all funds have been carried out with the appropriate bank statements as at 31 May 2020.

Cash Book Balances on this date were as follows:-

General (Consolidated)	\$7,582,813.16	Credit
General Trust	\$ 313,266.50	Credit

Please note this balance is high due to some income being received at the end of the month that has yet to be invested.

Our Governance No. 36 Cont...

(b) Summary of Investments

The attachment to this report is a certified schedule of all Council's investments as at 31 May 2020 showing the various invested amounts and applicable interest rates.

Please note the updated and reviewed Investment Policy is also included with the reports for this month's meeting.

**Concealed Water Leakage Concession Policy Update**

For the month of May 2020 no concessions were granted under Council's Concealed Water Leakage Concession Policy.

**COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

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

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

Nil.

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

Kylie Smith  
Chief Corporate Officer

Our Governance No. 36 Cont...

Prepared by staff member:	Paul Della; Jessica Wild	
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer	
Department:	Office of the Chief Corporate Officer	
Attachments:	<b>1</b> Investment Report as at 31 May 2020	<b>1</b> Page

TENTERFIELD SHIRE COUNCIL - SUMMARY OF INVESTMENTS 31 MAY 2020

Financial Institution	Issuer Rating	Investment Term	Maturity Date	Interest Rate	Amount	Percentage Exposure
NAB	AA-	30 Days	26/Jun/20	0.45%	4,000,000.00	47.81%
<b>TOTAL NAB INVESTMENTS</b>					<b>4,000,000.00</b>	<b>47.81%</b>
Commonwealth Bank	AA-	At Call		0.75%	1,366,250.13	16.33%
Commonwealth Bank	AA-	1 Month	01/Jun/20	0.52%	3,000,000.00	35.86%
<b>TOTAL CBA INVESTMENTS</b>					<b>4,366,250.13</b>	<b>52.19%</b>
<b>INVESTMENTS TOTAL</b>					<b>8,366,250.13</b>	<b>100.00%</b>

Summary

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

By:

\_\_\_\_\_  
Responsible Accounting Officer

\_\_\_\_\_  
P. Della

\* Except as highlighted in the associated Council Report.

<b>Department:</b>	<b>Office of the Chief Corporate Officer</b>
<b>Submitted by:</b>	Manager Finance & Technology
<b>Reference:</b>	<b>ITEM GOV37/20</b>
<b>Subject:</b>	<b>CAPITAL EXPENDITURE REPORT AS AT 31 MAY 2020</b>

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

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

### **SUMMARY**

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

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

**That Council receive and note the Capital Expenditure Report for the period ended 31 May 2020.**

### **BACKGROUND**

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

### **REPORT:**

Some of Council's capital works projects were delayed as a result of the need to focus resources on unplanned works as a result of emergency activities in relation to natural disasters and water supply issues.

Capital works have ramped up over the past few months and this is reflected in the YTD figures.

### **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)**  
Nil.

Our Governance No. 37 Cont...

**4. Asset Management (AMS)**

Nil.

**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

Nil.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

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

Prepared by staff member:	Paul Della; Jessica Wild
Approved/Reviewed by Manager:	Kylie Smith, Chief Corporate Officer
Department:	Office of the Chief Corporate Officer
Attachments:	<b>1</b> Attachment 6 (Attachment Booklet 3 5) - Capital Expenditure Report to Pages 31 May 2020



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**(ITEM RC15/20) REPORTS OF COMMITTEES & DELEGATES - BORDER REGIONAL ORGANISATION OF COUNCILS - 13 MARCH 2020**

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**REPORT BY:** Noelene Hyde

A meeting of the Border Regional Organisation of Councils was held at St George, Queensland (hosted by Balonne Shire Council) on Friday, 13 March 2020.

Minutes of the Meeting are attached.

**RECOMMENDATION**

**That the report of the Border Regional Organisation of Councils meeting of 13 March 2020 be received and noted.**

**ATTACHMENTS**

- |  |         |
|--|---------|
| <b>1</b> Minutes of the Meeting                                      | 8 Pages |
| <b>2</b> Beyond the Wire - Balonne Shire Council Newsletter          | 2 Pages |
| <b>3</b> RDANI - Survey - Impact of the Drought on Non-Farm Business | 4 Pages |
| <b>4</b> Regional Transport Plans for Queensland                     | 2 Pages |



Correspondence to: PO Box 214, Tenterfield NSW 2372  
 Email: [broc@tenterfield.nsw.gov.au](mailto:broc@tenterfield.nsw.gov.au)

## MINUTES

### 13 March 2020 – Balonne Shire Council (St George)

<b>Venue:</b>	Balonne Shire Council Disaster Centre Grey Street St George	<b>Date:</b>	Friday, 13 March 2020
<b>Chair:</b>	Cr Peter Petty - Tenterfield	<b>Time:</b>	9.00 am
<b>Attendees:</b>	Cr Kate Dight (on Skype)	Inverell Shire Council	
	Cr Peter Petty, Mr Terry Dodds, Ms Noelene Hyde	Tenterfield Shire Council	
	Cr Richard Marsh, Mr Digby Whyte	Balonne Shire Council	
	Cr Frances Young, Cr Catherine Egan, Ms Robyn Phillips	Gwydir Shire Council	
	Cr Joan White	Goondiwindi Regional Council	
	Ms Ann Leahy MP	Member for Warrego	
	Mr Paul Sanders	Dept of Natural Resources, Mines & Energy	
	Mr Jim Grassick, Mr Damon Meadows	Dept Local Government, Racing & Multicultural Affairs	
	Ms Kym Murphy	Dept Transport & Main Roads	
	Mr Russell Stewart	Regional Development Australia Northern Inland	
<b>File Ref:</b>	NAM2020177		

<b>1.</b>	<p><b>Meeting Open:</b>                  In opening the Meeting, Chair Cr Peter Petty thanked Balonne Shire Council for hosting BROC members.</p> <p>The Chair acknowledged Cr Joan White of Goondiwindi Regional Council who is retiring as a Councillor in March 2020. Cr Petty recognised her assistance and commitment to BROC as well as her long service to her community and local government in Queensland.</p> <p>Cr White thanked the Chair for his comments, confirming she had been a member of BROC for 16 years, serving 3 of those as Chair. In closing, Cr White stressed that the Councils of NSW and Queensland need to work together, this being the only way forward.</p> <p>Deputy Chair, Cr Kate Dight also extended best wishes to Cr White on her retirement.</p> <p>Balonne Shire Council Mayor, Cr Richard Marsh extended a welcome to all and</p>
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	briefly covered aspects of the tour provided to BROC visitors on Thursday afternoon, 12 March 2020. He also stress the need for NSW and Queensland Councils to work together and outlined shared activities between Balonne Shire Council and Moree Plains Shire Council.	
<b>2.</b>	<b>Apologies</b>	
	Cr John Coulton, GM Max Eastcott	Gwydir Shire Council
	Cr Stewart Berryman	Inverell Shire Council
	Cr Brian Murray	Tenterfield Shire Council
	Cr Stephen Ritchie, Mr Angus Witherby	Moree Plains Shire Council
	Cr Manuel Martinez, Cr Ian Woodcock, Mr Michael Urquhart	Walgett Shire Council
	Mr Matthew Magin	Balonne Shire Council
	Cr Neil Meiklejohn	Southern Downs Regional Council
	Mr James McTavish	Cross Border Commissioner
	Ms Katie Williams	Qld Premiers Department
	Ms Trudi Bartlett	RDA Darling Downs & South West
	<b>Moved:</b> Gwydir that the Apologies be accepted. <b>Seconded:</b> Balonne <b>CARRIED</b>	
<b>3.</b>	<b>Minutes of Meeting</b>	
3.1	<b>Matters Arising from the Minutes</b>	
	<p><b>The Coffey Scheme – A Water Infrastructure Plan for the Future</b> Chair, Cr Peter Petty apologised that the delegation and meeting with relevant politicians has not yet occurred. Water is a big issue for many Councils at the moment with Tenterfield currently dealing with the proposed Mole River Dam project. The Coffey Scheme utilises water from the Clarence River and will present a challenge, however discussions will be undertaken.</p> <p>Deputy Chair Cr Kate Dight volunteered her availability for the discussions.</p> <p>Tenterfield Chief Executive, Terry Dodds provided details of the recent meeting with Water NSW regarding Mole River Dam. Both Federal and State Governments have provided \$12m each in funding for a Feasibility Study to be undertaken with the Business Case for wall only, to be prepared by June 2021. If favourable, it is anticipated construction will commence October 2021.</p> <p>\$331m is the initial estimate but the design is being reviewed. The site has been chosen for the dam to give a minimum capacity 100 gegalitres.</p> <p><b>ACTION: Carried Over</b> That BROC support and become a driver for the Coffey Scheme with the Chair to form a delegation and organise a meeting with the politicians in the relevant areas.</p>	
	<b>Moved:</b> Gwydir that the Minutes be accepted. <b>Seconded:</b> Inverell <b>CARRIED</b>	
<b>4.</b>	<b>Correspondence</b>	
4.1	<b>Inwards:</b>	
	<ul style="list-style-type: none"> <li>• Bank Statements – Warwick Credit Union &amp; National Australia Bank</li> <li>• Term Deposit Account Statement – National Australia Bank</li> <li>• Fixed Term Certificate - Warwick Credit Union</li> </ul>	

	<ul style="list-style-type: none"> <li>• Bulloo Shire – Membership Application for Border Regional Organisation of Councils (BROC)</li> <li>• Receipt – Moree Plains Shire Council</li> <li>• Letters of Support – Border Region Inland Rail Connectivity Project                             <ul style="list-style-type: none"> <li>○ Shire of Walgett</li> <li>○ Gwydir Shire Council</li> <li>○ Goondiwindi Regional Council</li> <li>○ Tenterfield Shire Council</li> </ul> </li> <li>• Media Release – Expert Panel Announced for Regional Roads Reclassification</li> <li>• Hon Barnaby Joyce MP – Exclusion Fencing</li> </ul> <p><b>ACTION:</b> Cr Dight - arrange for Inverell Shire Council to forward letter of support for Border Region Inland Rail Connectivity Project.</p>																
	<p><b>Moved:</b> Goondiwindi that incoming correspondence be received and noted.  <b>Seconded:</b> Balonne</p> <p style="text-align: right;"><b>CARRIED</b></p>																
4.2	<p><b>Outwards:</b></p> <ul style="list-style-type: none"> <li>• Request to Amend Legislation with Respect to Exclusion Fencing – The Hon Adam Marshall MP, Minister for Agriculture &amp; Western NSW</li> <li>• Request to Amend Legislation with Respect to Exclusion Fencing – The Hon Shelley Hancock MP, NSW Minister for Local Government</li> <li>• Requested Appointment of a Qld Cross Border Commissioner – The Hon Anastacia Palaszczuk MP, Qld Premier and Minister for Trade</li> </ul>																
4.3	<p><b>Matters arising from Correspondence</b></p>																
	<p><b>Request for Membership – Bulloo Shire</b></p> <p><b>Moved:</b> Balonne that BROC accept Bulloo Shire as a member as this will help with collaboration across the region.  <b>Seconded:</b> Gwydir</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p>																
<b>5.</b>	<b>Financial Report as at 10 January 2020</b>																
5.1	<p><b>Transactions since last meeting:</b>  <b><u>National Australia Bank – 69-022-2187</u></b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Opening Balance as at 12 November 2019</td> <td style="text-align: right;"><b>\$7,592.43</b></td> </tr> <tr> <td>Interest</td> <td style="text-align: right;">\$ 0.18</td> </tr> <tr> <td>Balance as at 10 January 2020</td> <td style="text-align: right;"><b>\$7,592.61</b></td> </tr> </table> <p><b><u>National Australia Bank – Term Deposit 42-388-8697</u></b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Lodged 27 December 2018 for 12 months @ 2.75%</td> <td style="text-align: right;">\$10,052.36</td> </tr> <tr> <td>Re-invested 27 December 2019 for 12 months @ 1.50%</td> <td style="text-align: right;"><b>\$10,328.80</b></td> </tr> <tr> <td>Maturity Date – 27 December 2020</td> <td></td> </tr> </table> <p><b><u>Warwick Credit Union – 400379187</u></b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Opening Balance 1 November 2019</td> <td style="text-align: right;"><b>\$10,000.00</b></td> </tr> <tr> <td>Cash Deposit (Warwick Credit Union)</td> <td style="text-align: right;">\$ 6.50</td> </tr> </table>	Opening Balance as at 12 November 2019	<b>\$7,592.43</b>	Interest	\$ 0.18	Balance as at 10 January 2020	<b>\$7,592.61</b>	Lodged 27 December 2018 for 12 months @ 2.75%	\$10,052.36	Re-invested 27 December 2019 for 12 months @ 1.50%	<b>\$10,328.80</b>	Maturity Date – 27 December 2020		Opening Balance 1 November 2019	<b>\$10,000.00</b>	Cash Deposit (Warwick Credit Union)	\$ 6.50
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	Transfer Out – Moree Plains Shire Council	\$ 10,000.00
	E Pay Fee	\$ 6.50
	Closing Balance 30 November 2019	\$ 0.00
	<b>Warwick Credit Union – Fixed Term Deposit 100005924</b>	
	Opening Balance as at 31 October 2019	<b>\$11,179.85</b>
	Interest Paid 2.0%	\$ 45.09
	Reinvested 22 Jan 2020 @ 1.450%	<b>\$ 11,224.91</b>
	Maturity Date – 22 April 2020	
5.2	<b>Matters arising from Financial Report</b> Nil.	
	<b>Moved:</b> Tenterfield that the Financial Report be accepted. <b>Seconded:</b> Gwydir	
		<b>CARRIED</b>
<b>6.</b>	<b>Speakers</b>	
	<p><b>Ms Ann Leahy MP – Member for Warrego</b></p> <ul style="list-style-type: none"> <li>Welcome to all – Thanked Mayor Cr Richard Marsh for arranging the tour to allow visitors to see the diversity of the Balonne Local Government Area. Also good to see rain and grass.</li> <li>Very supportive of BROC’s push for the appointment of a Cross Border Commissioner in Queensland.</li> <li>Extended congratulations to Kym Murphy on her appointment as Regional Director (Downs South West), Queensland Dept Transport &amp; Main Roads. Kym is responsible for the strategic planning and forward program development for transport infrastructure in the Downs South West and also leads and provides governance over the delivery of the transport infrastructure program, along with the management and operation of the state road network. Downs South West Region encompasses both the Darling Downs and South West Districts, with offices in Toowoomba, Warwick, Roma and Charleville.</li> <li>Ms Leahy spoke of the challenge facing the Queensland Government and planning to increase funding for road maintenance for regional roads to \$800m. While most of the work will be carried out by Dept Transport &amp; Main Roads, contractors will assist in smaller regional communities.</li> <li>Ms Leahy referred to her role as Shadow Minister for Local Government and advised of the huge capacity for engagement of organisations such as BROC with State Governments. In Queensland, meetings with State Government are held with Parliament and it is suggested that this should also happen in NSW.</li> </ul> <p><b>Moved:</b> Goondiwindi that BROC commence the process to increase engagement with both NSW and Queensland State Governments by holding one (1) meeting per year with the relevant State Parliamentarians, commencing 2020. Anne Leahy MP, Member for Warrego as the Queensland contact.  <b>Seconded:</b> Inverell</p>	
		<b>CARRIED</b>

	<p><b>Mr Russell Stewart – Regional Development Australia</b></p> <ul style="list-style-type: none"><li>• Expressed his compliments to this BROC meeting – very productive cross border communications.</li><li>• Survey - Impact of the Drought on Non-Farm Business – carried out by RDANI late 2019. <b>Copy to be provided for distribution to BROC members.</b><ul style="list-style-type: none"><li>◦ The Survey highlighted the need for low interest or interest free loans. Mr Stewart stressed that many regional, non agricultural business have large holding debts but no funding is available to pay these debts off and move forward. There is an injustice involved as funding is available to farming businesses.</li><li>◦ Mr Stewart will be writing to Michael McCormack MP, Minister for Infrastructure, Transport &amp; Regional Development, requesting that this matter be urgently addressed as 70% of businesses in Northern Inland NSW need support. <b>Copy to be provided to BROC.</b></li></ul></li><li>• Mole River Dam Project – RDANI is 110% behind it and will do anything they can to support. Will be of great benefit to the Tenterfield Shire Local Government area.</li><li>• Regional Development Australia (RDA) – Mr Stewart spoke of the current work of RDA advising that staff numbers are growing as more projects are pushed their way. RDA is 90% self funded but does need the support of clients.<ul style="list-style-type: none"><li>◦ Migration is one of these projects which has been removed as a State Government portfolio and the contract returned to RDA. This was a decision of the Head of Treasury, not Government.</li></ul></li><li>• Mr Stewart expressed his support for Ms Trudi Bartlett, RDA Darling Downs &amp; South West. She has a huge job and it is unfortunate that she is unable to attend this meeting.</li></ul>
	<p><b>Ms Kym Murphy – Regional Director, Downs South West, Dept Transport &amp; Main Roads</b></p> <ul style="list-style-type: none"><li>• The Department has been redistributed (since February) with the Downs South West now also including Wide Bay and Burnett. This has increased the area of the road network and staffing numbers (300) within Ms Murphy's scope of responsibility.</li><li>• Ms Murphy expressed her ongoing commitment to deliver. Very passionate with having engagement with the community, Local Government and State Government. Dollars are allocated on a project by project basis - ongoing commitment that projects will continue.</li><li>• Ms Murphy spoke on the Regional Transport Plans for Queensland, particularly for the South West and Darling Downs. The Plans are linked to State Government policy and priorities/strategies are developed in close discussion with Local Government.</li><li>• <b>Plans provided for distribution:</b><ul style="list-style-type: none"><li>◦ TMR Planning Activities: Transport System Planning Program – BROC Related Planning</li></ul></li></ul>

	<ul style="list-style-type: none"> <li>o TMR QTRIP 2019/20 – 2022/23</li> </ul> <p>Chair Cr Peter Petty commented on a recent meeting regarding the New England Highway - \$140m Federal funding allocated for upgrades from Newcastle to the Queensland Border.</p>
	<p><b>Mr Jim Grassick – Regional Manager, Regional Services South – Dept Local Government, Racing &amp; Multicultural Affairs, Queensland</b></p> <ul style="list-style-type: none"> <li>• Works with 17 Councils within the area and will lobby hard to get a Queensland Border Commissioner position.</li> <li>• Concerns that the upcoming Queensland Local Government elections may impact BROCC with changes in representation.</li> <li>• His role involves the conduct of Councillor induction programs (on line). Following the elections Mr Grassick will commence a road trip to visit all 17 Councils which will commence mid April and finish towards the end of May.</li> </ul>
	<p><b>Mr Damon Meadows – Senior Regional Advisor, Southern Region, Local Government Division - Dept Local Government, Racing &amp; Multicultural Affairs, Queensland</b></p> <ul style="list-style-type: none"> <li>• Mr Meadows referred to current drought and flood funding, advising that he is the contact if Queensland Councils are experiencing problems. He is able to assist to ensure that projects happen for the communities.</li> </ul>
	<p><b>Mr Paul Sanders, Regional Manager, Water Services South Region, Dept of Natural Resources, Mines &amp; Energy, Queensland</b></p> <ul style="list-style-type: none"> <li>• By way of introduction, Mr Sanders advised he worked with water and vegetation and has been involved in regional service delivery for the whole of his career.</li> <li>• Mr Sanders gave a presentation to BROCC members on water flows from the recent, very welcome, rain event. <ul style="list-style-type: none"> <li>o Murray Darling Basin - Lower Balonne River (no major water harvesting event since 2017)</li> <li>o Border Rivers (no major water harvesting event since 2013)</li> <li>o Beardmore Dam – peak was 200,000 megs a day – last spilled in 2018 and some of this water was able to be stored.</li> <li>o 2012 saw the largest peak in the Balonne River at St George.</li> <li>o This current flow was very welcome with 1/2m gigs crossing the Border into NSW.</li> <li>o Rules apply when irrigators can take water and if it has been dry – water needs to be allocated.</li> <li>o Environmental/Stock/Domestic (ESD) flows are considered.</li> </ul> </li> <li>• Mr Sanders is at St George providing flow event and post flow event reports, and auditing compliance on water meters. Will be back out again in 2 weeks and is always well received in the communities.</li> </ul>
<b>7.</b>	<b>General Business</b>
	<p><b>Mr Digby Whyte – Director of Environment &amp; Regulatory Services, Balonne Shire Council</b></p>

	<ul style="list-style-type: none"> <li>• Mr Whyte provided a brief summary of the tour of large scale Irrigation facilities, the garlic and onion agricultural business and exclusion fencing undertaken by BROCC visitors on Thursday, 12 March 2020. <ul style="list-style-type: none"> <li>◦ Balonne Shire Council's March 2020 newsletter, <i>Beyond the Wire</i> was tabled for information.</li> </ul> </li> </ul>
	<p><b>Mr Terry Dodds – Chief Executive, Tenterfield Shire Council – Waste to Energy</b></p> <ul style="list-style-type: none"> <li>• Mr Dodds updated BROCC members on current events relating to Waste to Energy (W2E), advising that Southern Downs Regional Council and Tenterfield Shire Council will shortly visit Brisbane to investigate a mobile waste to energy plant which has been funded partly by the Qld Government and Qld University.</li> <li>• Once these investigations have been undertaken, he may be able to arrange for the W2E group to present to BROCC regarding a "milk run" along the border.</li> <li>• Developing technology is such that modular W2E plants have been produced which will allow smaller Councils to stockpile waste and the plant can come to them. W2E plants can be converted to produce products other than electricity, eg steam. Tenterfield Shire Council is seeking funding to test, designing a plant around the waste stream of 40,000 people.</li> <li>• New technology coming out of Japan/China produces zero pollution. There are currently 3 of these under construction in WA.</li> <li>• NSW Government have produced a Waste Discussion Paper which mentions W2E and are seeking comment – has been regularly provided by both Mr Dodds and Mr Angus Witherby, Director Planning &amp; Development, Moree Plains Shire Council.</li> </ul> <p>Cr Frances Young, Gwydir Shire Council, expressed her congratulations to Mr Dodds for the work he has undertaken on this important issue, particularly for small, regional, and rural Councils who are facing huge problems and cost blowouts with waste disposal.</p>
	<p><b>Suggestion for Future Discussion – Fast Internet Connectivity</b></p> <ul style="list-style-type: none"> <li>• Mr Digby Whyte raised this matter for future discussion. Connectivity presents an issue for remote land holders. Has been in discussions with Mr Angus Witherby.</li> </ul>
	<p><b>Bruxner Way Joint Committee</b></p> <p>Chair Cr Peter Petty referred to the motion from the November 2019 meeting of BROCC – advising that the Government (via Media Release) have finally <i>"established an expert panel to identify up to 15,000 km of council-managed roads in rural and regional areas to hand back to the State, easing the burden on local ratepayers"</i>.</p> <p>Cr Petty advised that he would remain in contact with the Government to drive the return of the Bruxner Way to the State Government.</p>



<b>9.</b>	<b>Next Meeting:</b> Gwydir Shire Council (The Living Classroom, Bingara) – 10.00 am, Friday, 15 May 2020
<b>10.</b>	<b>Meeting Closed:</b> 12.10 pm



### Fencing Delivers Good Figures

Consultants Hill Chadwick estimated the \$14.5 million in special rate and grant funding through Council had the following potential economic benefits for the region:

- 2,421 km in fencing
- 123,250 increased sheep
- \$12.1 million increased gross income from sheep annually
- \$9.24 million increased gross margin from sheep annually
- \$19 million increased regional GRP annually
- 217 Shire population increase
- 58 new jobs (half on-farm & half in services)

These nominal figures are based on landholders matching funding with in-kind fence construction, and for the fencing their individual properties, increasing sheep for meat and wool production, and for the Shire to have moved out of its drought status.



### Under Construction

The Shire's agricultural output declined by more than 50% from 2001 to 2019. Council adopted the Special Rate Scheme to rebuild the shire's economic diversity and resilience.

It's estimated that within two years, the Special Rate Scheme, coupled with grant funding and private investment, could see 75% of the Balonne Shire fenced - more than any other Shire in Queensland.

This key economic initiative will improve productivity, profitability and stability to create a more drought-resistant agricultural sector and rebuild the social fabric of our region.

Shire	Total Area (km <sup>2</sup> )	Area Fenced (km <sup>2</sup> )	% Fenced	Number of Properties	Number of Properties Fenced	% of Properties Fenced
Balonne Shire	24,232	18,230	75%	38	34	89%
North West Queensland	1,200,000	100,000	8%	100,000	10,000	10%
South West Queensland	1,200,000	100,000	8%	100,000	10,000	10%
Central Queensland	1,200,000	100,000	8%	100,000	10,000	10%
North Queensland	1,200,000	100,000	8%	100,000	10,000	10%

### Landholder Survey Creates Change

With several funding schemes underway, 104 landholders involved with fund applications were sent a survey about their experience. 31 landholders returned surveys providing valuable information to improve future projects. Here we share some of the results:

1. 83% applied for the Murray Darling Basin grant, 30% Special Rate Scheme, 13% CCWI grant.
2. 50% had a successful application.
3. 58% heard of the funding opportunities through word of mouth, 29% by direct contact, 13% through Council advertising and Facebook.
4. 74% delivered ideas for improving the experience of applying online through Vendor Panel.
5. 67% thought the application content was appropriate and 33% had improvement ideas. As a result, future forms will be shorter and easier to complete.
6. 79% sought advice from Council, Sarah Holt, or other advisors to assist in the online application. 14% took mapping advice and 7% took business advice. As a result, future forms will make mapping requirements easier and Council will ensure advisors remain available.
7. 48% commented on the application criteria and how applications should be judged.
8. 64% wished to receive feedback on their applications. Applicants are welcome to contact Council's Digby Whyte, Director Environment and Regulatory Services for feedback.
9. 63% of respondents indicated they would be interested in applying for any WDEF funding opportunities in 2020.

Council is committed to expanding WDEF funding and has applied for a further \$6.46 million in grant funding.



# Making Fencing Affordable

For Lachie and Cath Watts, the Balonne Shire Council's WDEF Special Rate Scheme provided an affordable and effective solution to their escalating wild dog problem.

Mr Watts said wild dogs are on the increase in the region. "We've seen five since Christmas on Buffel Park and trapping them is a time consuming and often frustrating process."

Cath Watts said the exclusion fencing will provide the security they need.

Eighteen months ago, the Watts privately funded their first 38 kilometres of exclusion fencing on their home property "Bullindie", 50 kilometres north west of Dirranbandi.

A further 18 kilometres was also erected on their second property "Buffel Park" across the road. "We have another 32 kilometres to go to finish the exclusion fence there," Mr Watts said.

"The Council's Special Rate Scheme provided the perfect opportunity to fund that final stretch which we hope will be up by the end of April."

Mr Watts said paying the last of the exclusion fence off over 20 years means they have more funds available for restocking when the season breaks.

The Watts family mainly trade in steers, but a run of dry summers has reduced their bulk feed. "Our goat herd has expanded due to the dry conditions with the exclusion fencing giving us the flexibility to change the type of stock we are running and how we manage our country."



"Wild dogs are affecting all of us, and our neighbours have been really helpful and supportive as we've worked together to try and create the best possible result."

Mrs Watts said Council were excellent to deal with and the application process was straightforward. "It's been a big step for Council to introduce this low-interest loan scheme, and an important step that will help improve our profitability when it rains."



Lachie & Cath Watts, Michelle Clarke Finance Director, Cr Fiona Goske Deputy Mayor, & Digby Whyte Director Environment & Regulatory Services

### Biosecurity Plan

This year Council will be implementing its new five-year Balonne Shire Biosecurity Plan 2019-2024.

Under the Queensland Biosecurity Act 2014 everyone has a general biosecurity obligation to prevent or minimise biosecurity risks.

While landholders have their own biosecurity plans for their farms, the Balonne Shire Biosecurity Plan, developed with the assistance of landholders and other stakeholders, identifies roles of all parties and provides a coordinated approach to the management of pest plants and animals within the Shire.

The Plan prioritises pest plants and animals currently present or with the potential to expand rapidly and can be downloaded from Council's website.

To assist with the implementation and review of the Plan, Council will be seeking members for a Pest Working Group.

The group will also work with other key groups focussed on particular pests, such as Council's Wild Dog Advisory Committee.



**Ordinary Council - 24 June 2020  
REPORTS OF COMMITTEES & DELEGATES - BORDER REGIONAL  
ORGANISATION OF COUNCILS - 13 MARCH 2020**

**WELCOME**

**Farmers Community Connect**

COMMUNITY CONFERENCE SUPPORT

• Strong voice in the community  
• Strong local and regional support  
• Strong leadership  
• Strong connections

A free 200g well-served! Farmers Community Connect will be out with us to the following locations:

1. 11/11/2020 - The Hills Local Community Centre
2. 11/11/2020 - The Hills Local Community Centre
3. 11/11/2020 - The Hills Local Community Centre
4. 11/11/2020 - The Hills Local Community Centre
5. 11/11/2020 - The Hills Local Community Centre
6. 11/11/2020 - The Hills Local Community Centre

**WHEN: Thursday 2 April 2020**  
**WHERE: St George's Showground**  
**TIME: 7:30 am to 11:00 am**

**IMPACT/AVANTI Register today for your 1 ton bulker bag of livestock pellets**

Visit [www.impactavanti.com.au](http://www.impactavanti.com.au) for more information or text 0411 028 543 to register

Log on 11/11/20 at 11:00 am - Thursday 13 March 2020

Thanks to our supporters:

MUSICO, UNIPLAN, Vinnies, RRT, BUSHFIRE ASSISTANCE, COMMUNITY EDUCATION SERVICES

**Vinnies Bushfire and Drought Assistance**

If you or someone you know has been affected by bushfires or the drought Vinnies may be able to help with your bills, rent and food, rebuilding and replacement costs, emotional support, interest-free loans

**Vinnies Helpline is 1800 846 643.**



Call us: 4620 8188  
Visit us: [www.balonne.qld.gov.au](http://www.balonne.qld.gov.au)  
Email: [us.council@balonne.qld.gov.au](mailto:us.council@balonne.qld.gov.au) | [www.balonne.qld.gov.au](http://www.balonne.qld.gov.au)



In good news, the current inflows into the Balonne River catchment will enable the Balonne Shire Council to successfully return the water allocation trades that sustained St George during its driest year on record

By the end of 2019, the combination of prolonged drought and Sunwater reducing water levels in Beardmore Dam for repair work meant Council's water allocation was critical.

By January 2020 Council was forced to implement the unprecedented Level 5 Water Restrictions in St George.

Council worked hard to source additional allocation with CS Agriculture Pty Ltd, who operate Cubbie Agriculture at Dirranbandi and St George, stepping forward to save St George from running out of water.

While CS Agriculture is now a global agricultural business, it remains committed to the well-being of the local community and the environment and has worked in partnership with Council to create a mutually beneficial return trade deal.

Council will be transferring the water back through a trade of CAP instead of allocation water which will enable Council to keep as much physical water in the system as possible to sustain the town through next summer if the big dry continues.

Council has more CAP than it can utilise before it is reset to the full 3000ML at the beginning of the new financial year. Meanwhile, CS Agriculture needs CAP to maximise access to current flows. It is a win-win for all.

Council appreciated the terrific cooperation between the water users as everyone worked towards a solution for St George. Mullaava Irrigation provided equipment to assist and also made an offer of water allocation. Fortunately, the inflows came before we needed to take up the Mullaava offer.

**"Welcome Mate" is our new tourism campaign with the first 500 travellers, from outside the shire, who visit the St George Visitor Information Centre and say "I'll be your Mate" receiving a special Welcome Mate Pack which includes a Buy Balonne Giftcard. #welcomemate #holidaysherethisyear**

**Attachment 2  
Beyond the Wire - Balonne Shire  
Council Newsletter**

**Balonne Shire Council**

**BEYOND THE WIRE**

March 2020

Welcome to the latest **BEYOND THE WIRE**, the Balonne Shire Council's info rich newsletter for landholders.

**BEYOND THE WIRE** is decluttering on steroids as we keep it simple and update you on what you need to know.

In this edition, we share the latest on exclusion fencing, biosecurity & water, that wonderful liquid gold.

We're always open to your feedback so please contact Council on 4620 8888 or email [council@balonne.qld.gov.au](mailto:council@balonne.qld.gov.au).

**INSIDE**

The Watts family talk fencing #3

A water win-win #4

**Round 2 WDEF Applications Called**

The Balonne Shire Council is pushing ahead with Round 2 of the Wild Dog Exclusion Fencing Special Rate Scheme.

The final \$4.8 million Council is approved to borrow from Queensland Treasury is being made available to eligible landholders.

Applications open 27 February and close on 14 April 2020 at 3pm.

Everyone is encouraged to make the most of this new opportunity even if you were unsuccessful previously.

The application process has also been streamlined with the 28 page form condensed to 10.

Sarah Holt from State Development will be available to assist landholders with the application process.

On 25 June, the applications will be considered for inclusion in the 2020/21 budget.

There is an administration fee for the first two years while the loan is paid off as a special rate additional to standard Council rate payments.

Landholders can apply for their loan to cover the full cost of the fence, or materials only if they wish to build the fence themselves.

Balonne Shire Council is one of only two shires in the State to obtain a loan from QTC to make exclusion fencing affordable for landholders.

To apply for the Special Rate Scheme Round 2 First contact Tayla Willis at BSC p:07 4620 8829 e:WDEF@balonne.qld.gov.au

For assistance with your application contact Sarah Holt p:07 4624 1543 e:sarah.holt@dsdmip.qld.gov.au



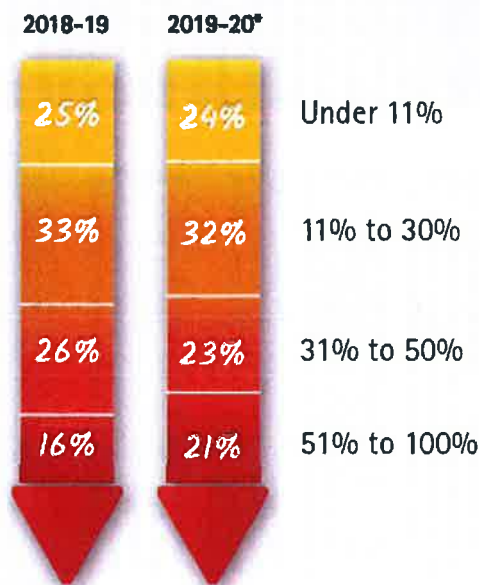


# Impact of the Drought on Non-Farm Businesses

The worst drought in living memory is having a devastating effect on the farming sector. However, the impacts on non-farm businesses have been largely ignored.

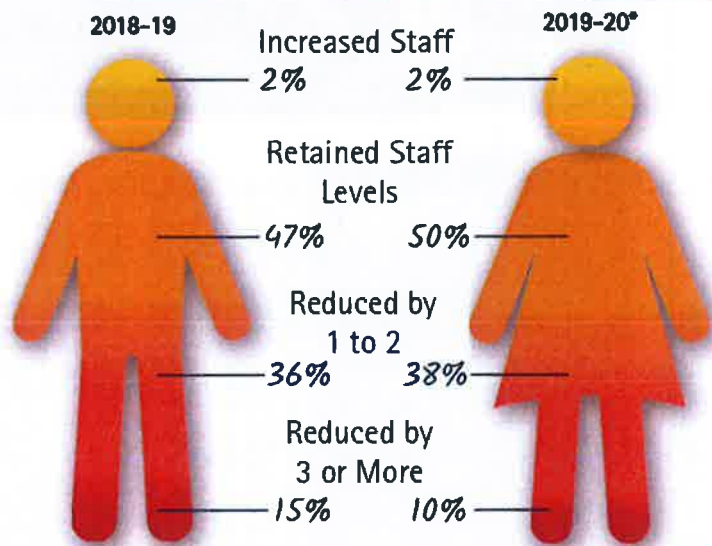
In late 2019, Regional Development Australia-Northern Inland (RDANI) conducted a survey of non-farm businesses to assess the impacts and survival responses, and to seek views on the forms of government assistance preferred by businesses. 439 non-farm businesses in the Northern Inland region of NSW responded to the survey, and key findings are summarised below.

## Reduction in Turnover



Under 11%  
 11% to 30%  
 31% to 50%  
 51% to 100%

## Staff Impacts

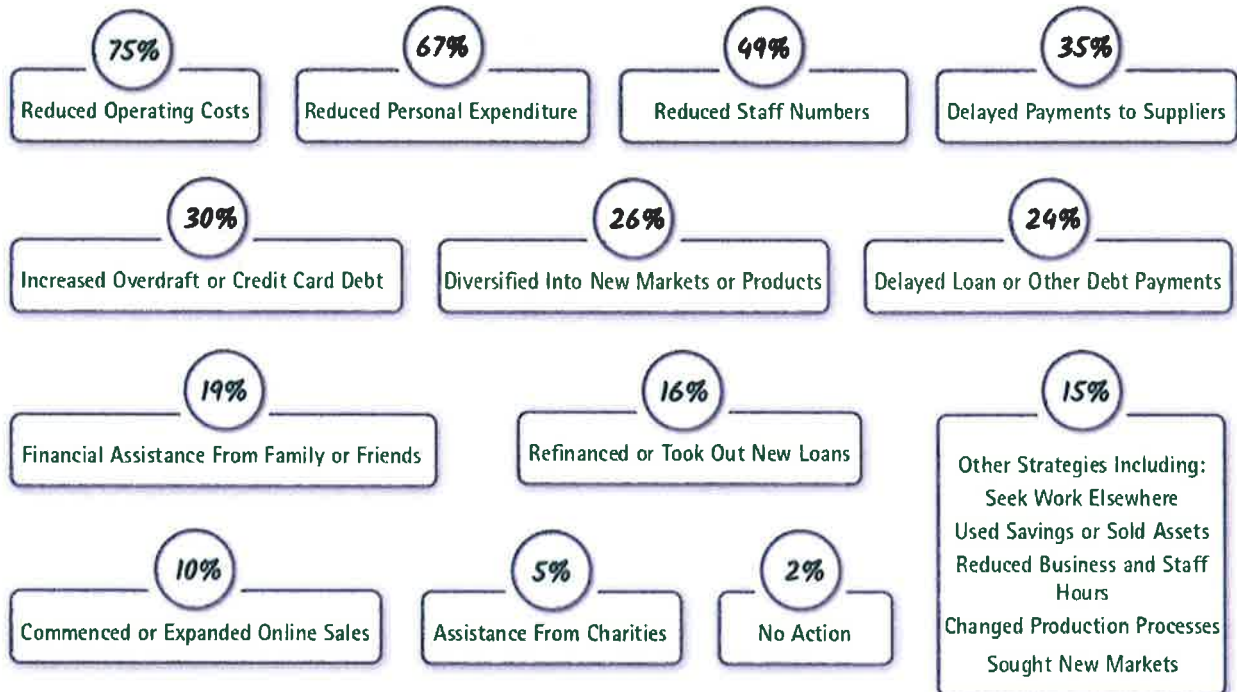


*Although 75% of non-farm businesses experienced a reduction of turnover by over 11% in 2018-19, they are trying to retain their staff*

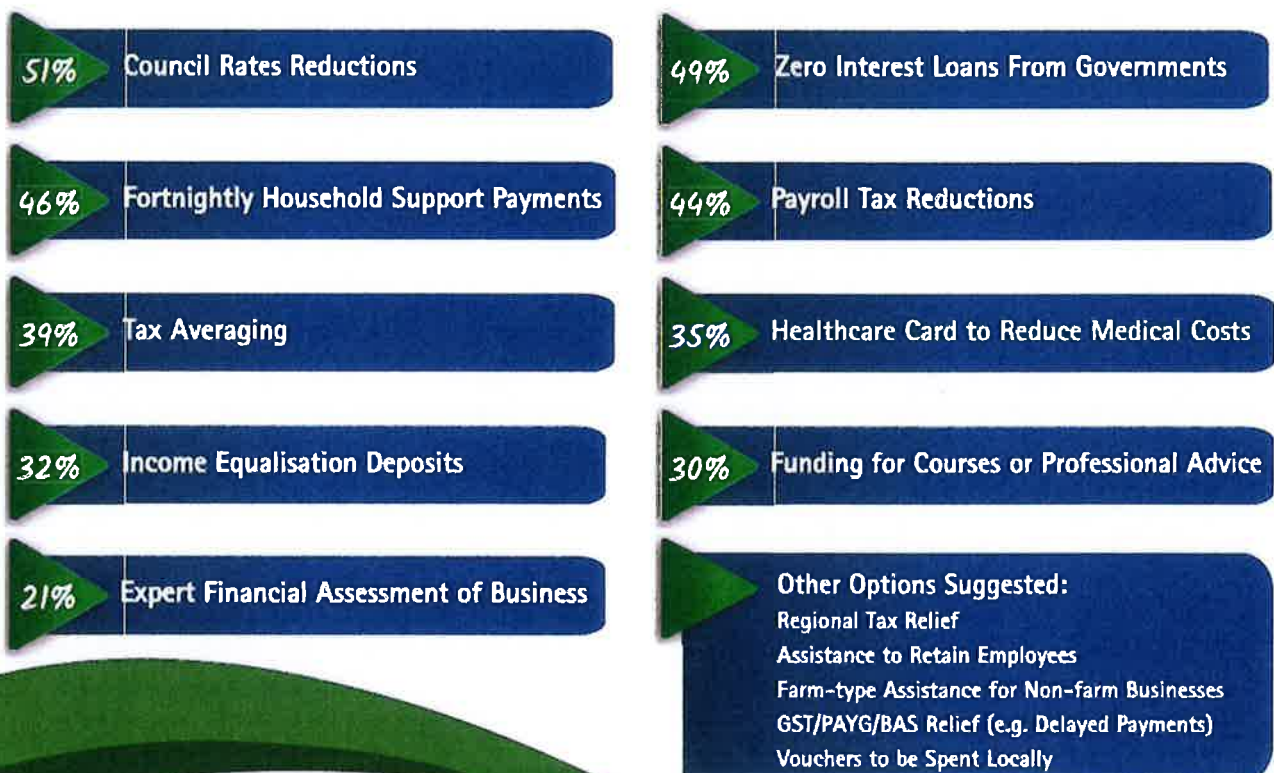
\*As the survey was conducted in 2019-20, these figures are estimated by businesses



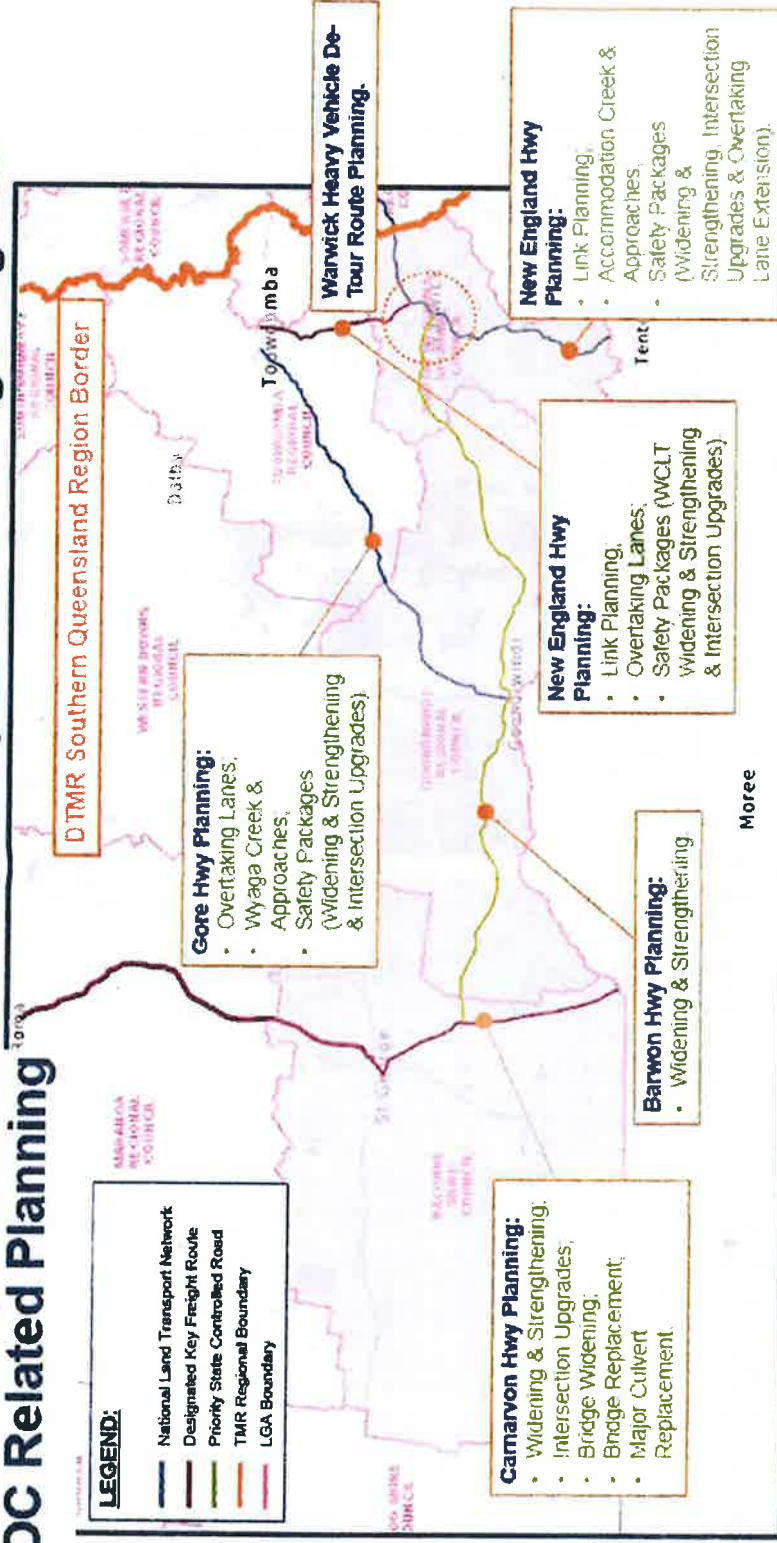
## Business Drought Survival Strategies



## Government Help Sought By Businesses

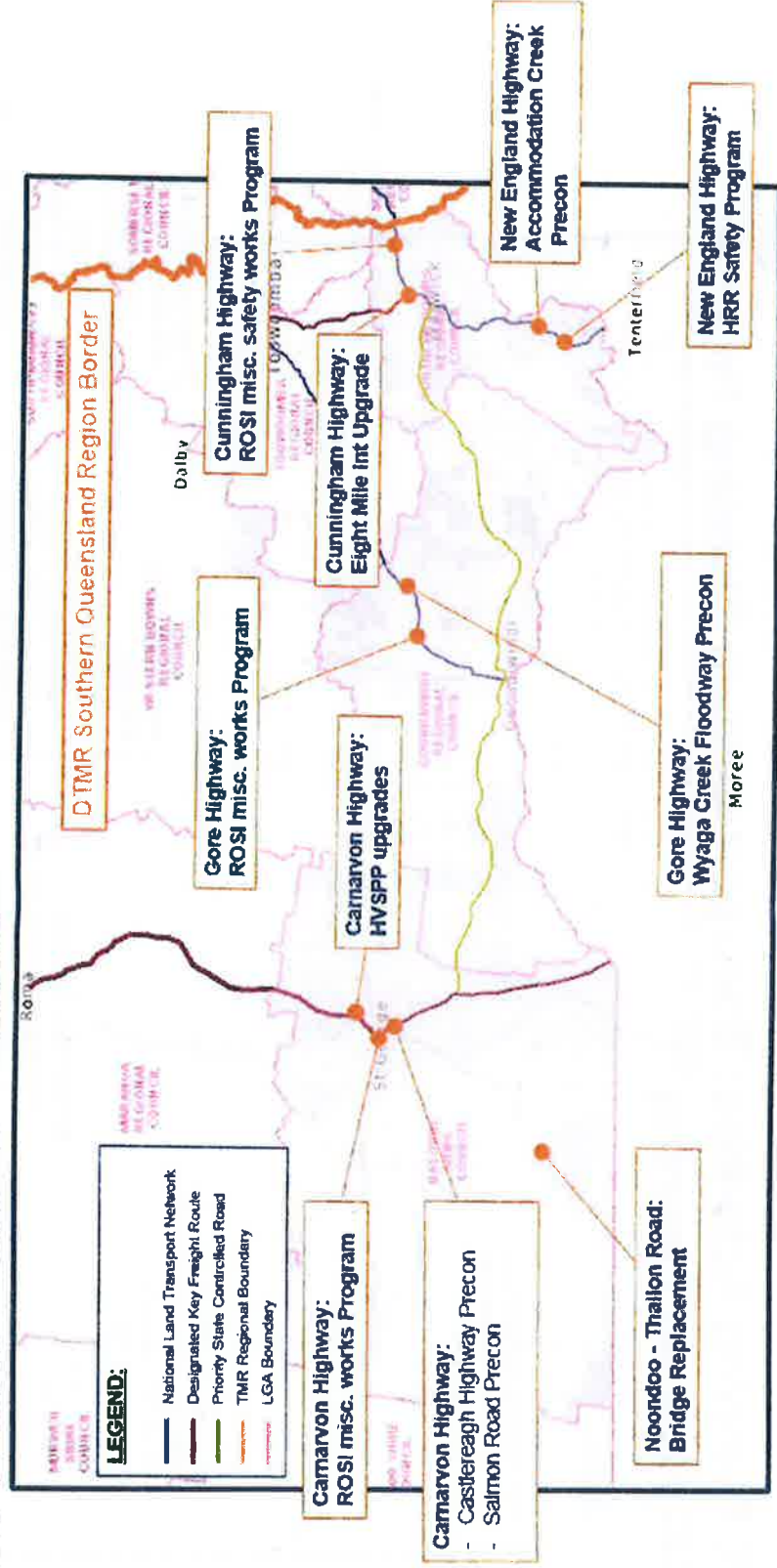


## TMR Planning Activities: Transport System Planning Program BROC Related Planning





### TMR QTRIP 2019/20 - 2022/23:





<b>Department:</b>	<b>Office of the Chief Executive</b>
<b>Submitted by:</b>	Executive Assistant & Media
<b>Reference:</b>	<b>ITEM RES5/20</b>
<b>Subject:</b>	<b>COUNCIL RESOLUTION REGISTER - JUNE 2020</b>

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

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

#### **SUMMARY**

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

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

**That Council notes the status of the Council Resolution Register to June 2020.**

**Terry Dodds**  
Chief Executive

Prepared by staff member:	Noelene Hyde, Executive Assistant & Media		
Approved/Reviewed by Manager:	Terry Dodds, Chief Executive		
Department:	Office of the Chief Executive		
Attachments:	<b>1</b>	Attachment 7 (Attachment Booklet 5) - Resolution Register - June 2020	<b>31</b> Pages

