



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

**BUSINESS PAPER**  
**ORDINARY COUNCIL MEETING**  
**WEDNESDAY, 28 APRIL 2021**

Notice is hereby given in accordance with the provisions of the *Local Government Act 1993*, and pursuant to Clause 3.3 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, 28 April 2021** commencing at **9.30 am**.

Kylie Smith  
**Acting Chief Executive**

## COMMUNITY CONSULTATION – PUBLIC ACCESS

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

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

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

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

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

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

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

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

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

## CONFLICT OF INTERESTS

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

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

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

### **Remoteness**

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

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

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

### **Relatives, Partners**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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## ORDER OF BUSINESS

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



# AGENDA

## WEBCASTING OF MEETING

This meeting will be 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.

## 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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## 9. MAYORAL MINUTE

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**15. CONFIDENTIAL BUSINESS**

Nil

**16. MEETING CLOSED**

**(ITEM MIN3/21) CONFIRMATION OF PREVIOUS MINUTES**

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**REPORT BY:** Christie Fitzpatrick

**RECOMMENDATION**

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

- **Ordinary Council Meeting – 24 March 2021**

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

**ATTACHMENTS**

- 1** Minutes - Ordinary Council Meeting - 24 March 2021 13 Pages

# MINUTES



QUALITY NATURE - QUALITY HERITAGE - QUALITY LIFESTYLE

## MINUTES OF ORDINARY COUNCIL MEETING WEDNESDAY, 24 MARCH 2021

MINUTES OF THE **Ordinary Council Meeting** OF TENTERFIELD SHIRE held at the RSL Pavilion, rear Memorial Hall, Molesworth Street, Tenterfield on Wednesday, 24 March 2021 commencing at 9.35 am.

**ATTENDANCE**

Councillor Peter Petty (Mayor)  
Councillor Greg Sauer (Deputy Mayor)  
Councillor Don Forbes (via Zoom)  
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**

Acting Chief Executive (Kylie Smith)  
Executive Assistant & Media (Noelene Hyde)  
Acting Chief Corporate Officer (Paul Della)  
Director Infrastructure (Fiona Keneally)

*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.*

*An additonal prayer was offered for those affected by the current flooding throughout NSW and for the safety of Council staff when out working in these conditions.*

**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

*Advice received from Cr Bronwyn Petrie that she would be a late attendance.*

**DISCLOSURE & DECLARATIONS OF INTEREST**

**54/21** **Resolved** that Councillors now disclose any interests and reasons for declaring such interest in the matters under consideration by Council at this meeting.

| <b>Name</b>             | <b>Type</b>                                                                                                                                | <b>Item</b>                                                                                                                                |
|-------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|
| Deputy Mayor Greg Sauer | Less than Significant Non Pecuniary – will remain in the meeting and vote.<br><i>Chair of the Tenterfield National Monument Assoc Inc.</i> | Development Application 2021.021 – Reconstruction of the Original Timber Frame Verandah and Façade Repair – Old Tenterfield Star Building, |

|  |  |                                  |
|--|--|----------------------------------|
|  |  | 325 Rouse Street,<br>Tenterfield |
|--|--|----------------------------------|

(Bob Rogan/Michael Petrie)

**Motion Carried**

**(ITEM MIN2/21) CONFIRMATION OF PREVIOUS MINUTES**

**55/21** **Resolved** that the Minutes of the following Meeting of Tenterfield Shire Council:

- Ordinary Council Meeting – 24 February 2021

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

(Tom Peters/Brian Murray)

**Motion Carried**

**TABLING OF DOCUMENTS**

Nil

**URGENT, LATE & SUPPLEMENTARY ITEMS OF BUSINESS**

Nil

**COMMUNITY CONSULTATION (PUBLIC ACCESS)**

Nil

**MAYORAL MINUTE**

Nil

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

Nil

*Councillor Bronwyn Petrie entered the Meeting, the time being 9.40 am.*

**OPEN COUNCIL REPORTS**

**OUR COMMUNITY**

**(ITEM COM7/21) ANZAC DAY ARRANGEMENTS - SUNDAY, 25 APRIL 2021**

**SUMMARY**

The purpose of this report is to provide information for Council's consideration regarding arrangements for Anzac Day, Sunday, 25 April 2021.

**56/21** **Resolved** that:

- (1) In accordance with Council Minute 208/04, Council's representative at Anzac Day Ceremonies throughout the Shire will lay a wreath or present a book as per the requirements of the local organisers; and
- (2) Councillors be allocated to attend the Anzac Day services and events around the Shire as follows:
  - (a) Mayor, Cr Peter Petty at the Tenterfield Dawn Service and Morning Service;
  - (b) Councillor Tom Peters at the Dawn Service in Torrington (if held);
  - (c) Councillor Gary Verri/Mayor Peter Petty at the Legume Service;
  - (d) No service being held at Urbenville;
  - (e) Councillor Brian Murray at the Jennings Service;
  - (f) Councillors John Macnish/Bronwyn Petrie at the Drake Service;
  - (g) Councillors Gary Verri/Don Forbes at the Liston Service; and
  - (h) Mayor Peter Petty at the Mingoola Service.

(Greg Sauer/John Macnish)

**Motion Carried**

*Acting Manager Economic Development & Community Engagement, Rebekah Kelly, entered the meeting, the time being 9.45 am.*

**(ITEM COM8/21) TENTERFIELD SCULPTURE WALK**

**SUMMARY**

To confirm plans and locations for the Tenterfield Sculpture Walk installation within Tenterfield central business district.

**57/21** **Resolved** that Council adopt the report and approve installation and locations of all the proposed sculptures.

(Bronwyn Petrie/Bob Rogan)

**Motion Carried**

**OUR ECONOMY**

**(ITEM ECO6/21) SALE OF LAND - TENTERFIELD INDUSTRIAL ESTATE - LOTS 14 & 15**

**SUMMARY**

The purpose of this report is to advise that Council has received increased offers on Lots 14 & 15 of the Tenterfield Industrial Park from Harold Curry Real Estate, Tenterfield.

The Officer's Recommendation was amended to show correct details.

**58/21** **Resolved** that Council accept the revised offers as submitted by Harold Curry Real Estate and authorise the Chief Executive to execute the documents to transfer the land in the Tenterfield Industrial Estate as follows:



- Lot 14, DP 1155323 – Duff Superannuation Fund and Mr Bruce Lyons and Mrs Marisa Christelle Lyons as Trustees for BML Superannuation Fund – \$55,260.00;
- Lot 15, DP 1155323 – Emma Lee Page - \$42,000.00.

(Bronwyn Petrie/Greg Sauer)

**Motion Carried**

**(ITEM ECO7/21) SALE OF LAND - TENTERFIELD INDUSTRIAL ESTATE - CHANGE OF PURCHASER LOT 8**

**SUMMARY**

This report is to advise Council of a change in purchaser for Lot 8 of the Tenterfield Industrial Estate from Grant Townes Haulage to R.P's Total Assessments and Driver Training Pty Ltd.

- 59/21** **Resolved** that Council note the change in purchaser for Lot 8 DP 1155323 of the Tenterfield Industrial Estate from Grant Townes Haulage to R.P's Total Assessments & Driver Training Pty Ltd.

(Brian Murray/Michael Petrie)

**Motion Carried**

*Acting Manager Economic Development & Community Engagement, Rebekah Kelly left the meeting, the time being 9.53 am.*

*Engineering Officer, Jessica Gibbins entered the meeting, the time being 9.53 am.*

**(ITEM ECO8/21) SNAKE CREEK ROAD - ROAD RESERVE UPDATE**

**SUMMARY**

The purpose of this report is to provide an update to Council on how the formalisation of Snake Creek Road reserve process is progressing and the requirements for Council to proceed with compulsory acquiring part of the Crown Land known as Lot 7301 DP 1145839 being (part of TSR No 224) for the purpose of dedicating a road to the public as public road.

- 60/21** **Resolved** that Council:

- (1) Proceed with the compulsory acquisition of the land described as part of Lot 7301 DP 1145839 for the purpose of dedicating a road in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;
- (2) Make an application to the Minister and the Governor for approval to acquire part of Lot 7301 DP 1145839 by compulsory process under section 177 (2)(b) of the Roads Act 1993.

(Greg Sauer/Bronwyn Petrie)

**Motion Carried**

*Engineering Officer, Jessica Gibbins left the meeting, the time being 9.57 am.*

**OUR ENVIRONMENT**

Nil

**OUR GOVERNANCE**

**(ITEM GOV17/21) MONTHLY OPERATIONAL REPORT - FEBRUARY 2021**

**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 2020/2021 Operational Plan.

**61/21** **Resolved** that Council receives and notes the status of the Monthly Operational Report for February 2021.

(Brian Murray/Michael Petrie)

**Motion Carried**

**(ITEM GOV18/21) NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT 2021- MOTIONS FOR DEBATE**

**SUMMARY**

The purpose of this report is for Council to consider motions that have been submitted for the National General Assembly of Local Government 2021 in Canberra, 20-23 June 2021.

**RECOMMENDATION**

That Council approve the submission of the following motions for the National General Assembly of Local Government 2021:

- (i) This National General Assembly again calls on the Australian Government to increase funding for local government Financial Assistance Grants to a level of at least 1% of Commonwealth taxation revenue by the 2022/23 Financial Year.
- (ii) This National General Assembly calls on the Australian Government to either cease the practice of expecting Council co-contributions when applying for Federal Government Grants or allow Council's in kind contributions to be eligible as the co-contribution from Councils.
- (iii) This National General Assembly calls on the Australian Government to allow Councils to use new Grant Funding opportunities for projects already contained within their operational plan that would have otherwise been funded from loans (currently they are excluded).
- (iv) This National General Assembly call on the Australian Government to provide grant funding in advance to Regional and Rural Councils and not in arrears so as to avoid impacting unfavorably on such Council's cash flow.

(Greg Sauer/Bob Rogan)

**AMENDMENT**

Add additional item (v):

This National General Assembly calls on the Australian Government to provide grant funding to assist Councils deal with the costs incurred in correcting historical errors in mapping of actual roads so that ratepayers do not have to meet these costs.

(Greg Sauer/Michael Petrie)

**Amendment Carried**

**62/21**

**Resolved** that Council approve the submission of the following motions for the National General Assembly of Local Government 2021:

- (i) This National General Assembly again calls on the Australian Government to increase funding for local government Financial Assistance Grants to a level of at least 1% of Commonwealth taxation revenue by the 2022/23 Financial Year.
- (ii) This National General Assembly calls on the Australian Government to either cease the practice of expecting Council co-contributions when applying for Federal Government Grants or allow Council's in kind contributions to be eligible as the co-contribution from Councils.
- (iii) This National General Assembly calls on the Australian Government to allow Councils to use new Grant Funding opportunities for projects already contained within their operational plan that would have otherwise been funded from loans (currently they are excluded).
- (iv) This National General Assembly call on the Australian Government to provide grant funding in advance to Regional and Rural Councils and not in arrears so as to avoid impacting unfavorably on such Council's cash flow.
- (v) This National General Assembly calls on the Australian Government to provide grant funding to assist Councils deal with the costs incurred in correcting historical errors in mapping of actual roads so that ratepayers do not have to meet these costs.

(Greg Sauer/Bob Rogan)

**Motion Carried**

**(ITEM GOV19/21) DESTINATION & VISITOR ECONOMY CONFERENCE - PORT MACQUARIE - 26 TO 28 MAY 2021**

**SUMMARY**

The purpose of this report is for Council to endorse and approve the attendance of Council delegates to the Destination & Visitor Economy Conference 2021 to be held at Port Macquarie from Wednesday, 26 May 2021 to Friday, 28 May 2021.

**RECOMMENDATION**

That Council:

- (1) Approve the attendance of Council's Tourism Advisory Committee delegates, Mayor Peter Petty, Councillor Bob Rogan and Councillor Gary Verri at the Destination & Visitor Economy Conference 2021 at Port Macquarie, 26 to 28 May 2021; and further
- (2) Invite attendance from other interested Councillors to the Destination & Visitor Economy Conference 2021.  
(Bronwyn Petrie/Bob Rogan)

**AMENDMENT**

Add new item (3):

Move the Ordinary Council Meeting forward one (1) week to Wednesday, 19 May 2021 due to the attendance of delegates at the Destination & Visitor Economy Conference.

(Don Forbes/Bronwyn Petrie)

**Amendment Carried**

*Deputy Mayor Greg Sauer registered a vote against the amendment.*

**AMENDMENT**

That item (2) be deleted.

(Greg Sauer/Not Seconded)

**Amendment Lapses**

**63/21** **Resolved** that Council:

- (1) Approve the attendance of Council's Tourism Advisory Committee delegates, Mayor Peter Petty, Councillor Bob Rogan and Councillor Gary Verri at the Destination & Visitor Economy Conference 2021 at Port Macquarie, 26 to 28 May 2021; and further
- (2) Invite attendance from other interested Councillors to the Destination & Visitor Economy Conference 2021.
- (3) Move the Ordinary Council Meeting forward one (1) week to Wednesday, 19 May 2021 due to the attendance of delegates at the Destination & Visitor Economy Conference.

(Bronwyn Petrie/Bob Rogan)

**Motion Carried**

*Noted: Cr Bronwyn Petrie expressed interest in attending the Conference.*

**(ITEM GOV21/21) LIBRARY SERVICES - UPDATE OF POLICY NO. 1.120**

**SUMMARY**

The purpose of this report is to update Council's Library Services Policy.

**64/21** **Resolved** that Council adopt the updated Library Services Policy No 1.120.

(Brian Murray/Michael Petrie)

**Motion Carried**

*Manager Customer Service, Governance & Records, Erika Bursford entered the meeting, the time being 10.23 am.*

**(ITEM GOV22/21) BUY LOCAL POLICY – DRAFT NEW POLICY NO. 3.023**

**SUMMARY**

Propose a new Buy Local Policy which incorporates a Local Benefits advantage rather than an advantage based on price alone for suppliers of Goods and Services to Tenterfield Shire Council in circumstances as described in the Policy.

**65/21** **Resolved** that Council:

- (1) Place the new Draft Buy Local Policy No 3.023 on Public Exhibition for 14 days, from 24 March 2021 to 7 April 2021 and either;
- (2) Review submissions received during the Public Exhibition Period at the April 2021 Ordinary Council Meeting, or;
- (3) If no submissions are received during the Public Exhibition period, adopt the Buy Local Policy No. 3.023 as at 7 April 2021.

(Bronwyn Petrie/Tom Peters)

**Motion Carried**

**SUSPENSION OF STANDING ORDERS**

**66/21** **Resolved** that Standing Orders be suspended.

(Michael Petrie/Brian Murray)

**Motion Carried**

*The Meeting adjourned for Morning Tea, the time being 10.44 am.*

*The Meeting reconvened with the same members present, the time being 11.04 am.*

**RESUMPTION OF STANDING ORDERS**

**67/21** **Resolved** that Standing Orders be resumed.

(Bob Rogan/Greg Sauer)

**Motion Carried**

**(ITEM GOV23/21) CUSTOMER SERVICE, GOVERNANCE & RECORDS - UPDATE OF PROCUREMENT POLICY NO. 1.164**

**SUMMARY**

The purpose of this report is to update Council's Procurement Policy No. 1.164.

**68/21** **Resolved** that Council:

- (1) Place the Draft Procurement Policy No. 1.164 on Public Exhibition for 14 days, from 24 March 2021 to 7 April 2021 and either

- (2) Review submissions received during the Public Exhibition Period at the April Ordinary Council Meeting, or
- (3) If no submissions are received during the Public Exhibition period, adopt the Procurement Policy No. 1.164 as at 7 April 2021.

(Bronwyn Petrie/Brian Murray)

**Motion Carried**

**(ITEM GOV24/21) CUSTOMER SERVICE, GOVERNANCE & RECORDS - NEW POLICY – LEGISLATIVE COMPLIANCE POLICY NO. 3.110**

**SUMMARY**

The purpose of this report is to adopt a Legislative Compliance Policy, in line with recommendations by the NSW Audit Office.

**69/21**

**Resolved** that Council:

- (1) Place the new Draft Legislative Compliance Policy No. 3.110 on Public Exhibition for 14 days, from 24 March 2021 to 7 April 2021; and either
- (2) Review submissions received during the Public Exhibition Period at the April Ordinary Council Meeting; or
- (3) If no submissions are received during the Public Exhibition period, adopt the Legislative Compliance Policy No. 3.110 as at 7 April 2021.

(Greg Sauer/Michael Petrie)

**Motion Carried**

*Manager Customer Service, Governance & Records, Erika Bursford left the meeting, the time being 11.09 am.*

*Manager Open Space, Regulatory & Utilities, Mark Cooper entered the meeting, the time being 11.09 am.*

**(ITEM GOV25/21) LOCAL ORDERS FOR THE KEEPING OF ANIMALS IN URBAN AREAS OF TENTERFIELD SHIRE POLICY - 3.120 - REVIEW OF SUBMISSIONS**

**SUMMARY**

The purpose of this report is to provide Council with a submission received by a member of the public raising an objection to the proposed changes and some additional amendments for consideration, and to adopt the Policy 3.120 - Local Orders for Keeping of Animals in Urban Areas of Tenterfield Shire.

**70/21**

**Resolved** that Council:

- (1) Notes the receipt of the attached submission; and
- (2) Adopts the Local Orders for Keeping of Animals in Urban Areas of Tenterfield Shire Policy 3.120 as per Attachment 10 (Attachment Booklet 3).



(Bob Rogan/Bronwyn Petrie)

**Motion Carried**

Manager Open Space, Regulatory & Utilities, Mark Cooper left the meeting, the time being 11.10 am.

Acting Manager Finance & Technology, Jessica Wild entered the meeting, the time being 11.10 am.

**(ITEM GOV26/21) FINANCE & ACCOUNTS - PERIOD ENDED 28 FEBRUARY 2021**

**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.

**71/21** **Resolved** that Council receive and note the Finance and Accounts Report for the period ended 28 February 2021.

(Brian Murray/Michael Petrie)

**Motion Carried**

**(ITEM GOV27/21) CAPITAL EXPENDITURE REPORT AS AT 28 FEBRUARY 2021**

**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.

**72/21** **Resolved** that Council receive and note the Capital Expenditure Report for the period ended 28 February 2021.

(Bob Rogan/Tom Peters)

**Motion Carried**

**(ITEM GOV28/21) CHANGES TO PROPOSED BORROWINGS 2020-21 FINANCIAL YEAR**

**SUMMARY**

The purpose of this report is to increase the level of proposed borrowings for the 2020-2021 Financial Year.

**73/21** **Resolved** that Council:

- (1) Approves an increase to the proposed borrowings for the 2020-2021 Financial Year from \$3,664,071 to a maximum of \$4,048,952. An increase of \$384,881.

- (2) Approves a loan of \$4,048,952 for a fixed term of 20 years at the lowest interest rate of the three quotes being obtained (to be tabled at the meeting and subject to variation on the day the loan is effected).
- (3) That Council's Proposed Borrowings Return be updated with the Office of Local Government.

(Greg Sauer/Brian Murray)

**Motion Carried**

Acting Manager Finance & Technology, Jessica Wild left the meeting, the time being 11.18 am.

**REPORTS OF DELEGATES & COMMITTEES**

**(ITEM RC6/21) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION INC**

**SUMMARY**

MDA's Delegate's Report provided for the information of Council.

- 74/21** **Resolved** that Council receive and note the Delegate's Report for the Murray Darling Association Inc for February 2021.

(Greg Sauer/Tom Peters)

**Motion Carried**

**(ITEM RC7/21) REPORTS OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING - 11 FEBRUARY 2021**

**SUMMARY**

A Meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 11 February 2021.

- 75/21** **Resolved** that the report of the Tenterfield Shire Local Traffic Committee meeting of Thursday, 11 February 2021 be received and noted.

(Peter Petty/Bronwyn Petrie)

**Motion Carried**

**(ITEM RC8/21) REPORTS OF COMMITTEES & DELEGATES - BORDER REGIONAL ORGANISATION OF COUNCILS (BROC) - 12 FEBRUARY 2021**

**SUMMARY**

A Meeting of the Border Regional Organisation of Councils (BROC) was held on Friday, 12 February 2021 at Inverell Shire Council.

- 76/21** **Resolved** that the report of the Border Regional Organisation of Councils (BROC) meeting of Friday, 12 February 2021 be received and noted.

(Peter Petty/Brian Murray)

**Motion Carried**



**(ITEM RC9/21) REPORTS OF COMMITTEES & DELEGATES - COUNTRY MAYORS' ASSOCIATION OF NSW - 5 MARCH 2021**

**SUMMARY**

A Meeting of the Country Mayors' Association of NSW was held in Sydney on Friday, 5 March 2021.

**77/21** **Resolved** that the report from the Country Mayors' Association of NSW General Meeting of Friday, 5 March 2021 be received and noted.

(Peter Petty/Bronwyn Petrie)

**Motion Carried**

**NOTICES OF MOTION**

Nil.

**RESOLUTION REGISTER**

**(ITEM RES2/21) COUNCIL RESOLUTION REGISTER - MARCH 2021**

**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.

**78/21** **Resolved** that Council notes the status of the Council Resolution Register to March 2021.

(Greg Sauer/Michael Petrie)

**Motion Carried**

**CONFIDENTIAL BUSINESS**

Nil.

**MEETING CLOSED**

There being no further business the Mayor declared the meeting closed at 11.35 am.

.....  
Councillor Peter Petty  
Mayor/Chairperson

|                      |                                                                           |
|----------------------|---------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                              |
| <b>Submitted by:</b> | Manager Property & Buildings                                              |
| <b>Reference:</b>    | <b>ITEM COM9/21</b>                                                       |
| <b>Subject:</b>      | <b>TENTERFIELD WAR MEMORIAL BATHS - MASTER PLAN<br/>PUBLIC EXHIBITION</b> |

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

|                             |                                                                                                                               |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Community</b> - COMM 2 - Health and quality of life are supported by a wide range of recreation and leisure opportunities. |
| <b>CSP Strategy:</b>        | Sporting facilities are modern, provide choice and cater for the diverse needs of the community.                              |
| <b>CSP Delivery Program</b> | Provision of an accessible quality swimming and recreation facility which encourages participation.                           |

#### **SUMMARY**

The purpose of this report is to present the submissions received from community as a result of the Public Exhibition of the Draft Tenterfield War Memorial Baths Master Plan.

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

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

- (1) Notes the submissions that were received;**
- (2) Defers any decision on the Master Plan for the Tenterfield War Memorial Baths until further investigation of alternative, more affordable options are completed.**

#### **BACKGROUND**

On 16 March 2020, RMP & Associates in conjunction with Donovan Payne Architects, were engaged to complete a Master Plan and Feasibility Study of the Tenterfield War Memorial Bath, swimming pool facility. The brief included the review of previous reports, to undertake community consultation and meetings with stakeholders and meet with Council to provide elected representatives with an overview of the changes that have occurred in aquatic centre design and operation since the original pool was officially opened on 27 November 1964.

The Concept Plans and high-level costs were presented at a Council Workshop on 17 March 2020, highlighting specifically current NSW Health Department and DDA access requirements and how they have been achieved in each concept design. The outcome of the meeting was the support for the Option 2 concept.

A further Council Workshop was held on 14 October 2020 where interest for Option 1.1 was also considered a desirable option. Staff have recommended Option 2 for consideration as per the reasons outlined in the report.

At the 2020 December Council Meeting, Council resolved (Resolution 276/20) the following:

- (1) Endorse and place on public exhibition, Option two (2) in the draft Master Plan and Feasibility Study to assist with future development and maintenance on the Tenterfield War Memorial Bath.

Our Community No. 9 Cont...

- (2) Note that Option two (2) in the plan is a guide for future works and that any option contained in the plans are outside the Capacity of Council to fund the initial works, or ongoing costs associated with such a large community asset.
- (3) If at the conclusion of the exhibition period no submissions are received, adopt the option identified and advertised as the preferred option and tailor future asset maintenance and works at the Tenterfield War Memorial Bath around this option.

### REPORT:

The Tenterfield War Memorial Baths Master Plan Option 2 were placed on public exhibition as resolved at the December Council Meeting and closed on 18 February 2021.

Council received 4 responses within the submission period (a copy of the detail in those submissions is attached to this report), below is a summary of the benefits and constraints as seen by the submissions and a summary of additional feedback or comments.

| <b>Submission</b> | <b>Benefit</b>                                                                                                                                          | <b>Constraint</b>                                       | <b>Comment</b>                                                                                                                                                                              |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>1</b>          | Nil                                                                                                                                                     | *Option not suitable for our town<br><br>*Cost too high | *Should utilise existing facility and update                                                                                                                                                |
| <b>2</b>          | *Impressed with full study report                                                                                                                       | Nil                                                     | *Suggest monogrammed good quality towels promoting the current pool to be sold as promotional material<br><br>*Capture more passing trade promoting relax and refresh<br><br>*Clear signage |
| <b>3</b>          | *Hydrotherapy pool a wonderful asset to the community for rehab after surgery and injury<br><br>*Updated version needed to attract visitors to our town | Nil                                                     | *Baths needed to teach our children to swim<br><br>*Needed for exercise and training to exceed with sports goals<br><br>*Appropriate time to do this with town blossoming with              |

Our Community No. 9 Cont...

| Submission | Benefit                                                | Constraint                  | Comment                                                                                                                                                                                                                                                 |
|------------|--------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            |                                                        |                             | new residents and visitors<br><br>*Very passionate and excited to see this evolve                                                                                                                                                                       |
| 4          | *Magnificent community resource for many years to come | *Cost and available funding | *Could project be done in stages as funding becomes available?<br><br>*Heating to extend the season<br><br>*Supporting of water play area<br><br>*Something needs to happen to current facility<br><br>*Alternative option if this option is not viable |

A number of the submissions referred to the affordability of the option presented and suggested options for achieving a good outcome for the pool without the level of spend presented in the option that was recommended.

There was some feedback provided outside of the submission period which suggested that the proposal would give the community a terrific facility and a very inviting attraction for Tenterfield. However the preference is for a cheaper alternative and other requests included heating as a matter of urgency, upgrades to existing change room facilities and the creation of a First Aid room.

Feedback from Councillors at a workshop where the submissions were presented for discussion, was that the matter should be deferred pending some additional information being obtained detailing the costs of the pool at Bingara.

It was also suggested that a greenfield site could be considered as it was felt that the current site limited the options that were available. The possibility of a 50 metre pool was again raised.

A further consultation session will be arranged with relevant stakeholders once additional information as outlined above has been obtained.

### **COUNCIL IMPLICATIONS:**

- 1. Community Engagement / Communication (per engagement strategy)**  
Community workshop/information session

Our Community No. 9 Cont...

Stakeholder engagement sessions  
Public Exhibition period closing on 18 February 2021

## **2. Policy and Regulation**

- Local Government Act
- Building Code of Australia
- Australian Standards
- Disability Discrimination Act 1992
- Public Health Act & Regulations
- Health & Safety Acts & Regulations
- Dangerous Goods Acts & Regulations
- Guidelines for Safe Pool Operation (GSPO) 1991
- Practice Note 15 Water Safety - NSW Local Government

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

The Draft Master Plan will act as an information guide to develop future budgets and resources and to develop further options going forward.

Council will actively pursue grants to fund construction and maintenance of whatever option is finally chosen. With the option that was presented to the community for public consultation even if 100% funding was granted, Council would not have been able to financially afford additional depreciation and other operating costs of the facility without major impacts to the community financially.

Any upgrades carried out in line with the draft master plan will encourage the potential growth of patron use and generate an increase in revenue.

In the interim until a new Master Plan is adopted, pool blankets are a priority and the pool operators have applied for grants to fund these. Some other works to improve the toilets and provide some additional privacy will also be looked at as a priority.

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

Over the coming years, the strategic direction, objectives and goals will be standard practices to assist with ongoing asset management of the Tenterfield War Memorial Bath, Swimming Pool, and assist with appropriate resource allocation.

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

The upgrade of the complex in line with the concept options would provide a vision and direction for the complex. This will only assist in attracting future contractors who would manage the facility.

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

Risk to Council continues to increase as the pool ages and the infrastructure deteriorates and requires replacement. Without direction, forward planning of the facility is difficult and could put Council at risk of mismanagement of the repairs and maintenance of the pool complex and associated budgets.

Further risks are experienced with the changes to swimming pool legislation and regulations, particularly health regulations associated with public pools.

Our Community No. 9 Cont...

### 7. Performance Measures

Based on the Concept Plans provided it is believed with improvements such as those proposed at Tenterfield Memorial Pool conservatively estimated total attendances for the first year to be:

|                        |               |            |
|------------------------|---------------|------------|
| Gym                    | 35,000        |            |
| Learn to Swim          | 9,000         |            |
| Leisure                | 2,000         | additional |
| Elderly                | 2,100         |            |
| Hydrotherapy           | 1,500         |            |
| General Entries        | 23,000        |            |
| <b>TOTAL ATTENDEES</b> | <b>72,600</b> |            |

(\*NB These are predicted estimates only of forecast usage)

### 8. Project Management

Nil

**Paul Della**  
**Acting Chief Corporate Officer**

Prepared by staff member: Heidi K Ford  
Approved/Reviewed by Manager: Paul Della, Acting Chief Corporate Officer  
Department: Office of the Chief Corporate Officer  
Attachments: **1** Submissions Received 5 Pages

①

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First  
Name:  
Last  
Name:  
Phone:  
Email:

Message: Re: Pool Proposal

The council should consider utilizing and updating what we have as the proposal in my opinion is not suitable for our town and way out of the council's budget surely the facility can be upgraded for our use instead of the proposal.

Bingara pool was upgraded and from what I have seen would be ideal for our town not what is in the proposal surely some consultation with other councils would be beneficial for us

2

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**From**  
**Date** Thu Feb 11 10:05:52 AM AEDT 2021  
**To** 'Council' <council@tenterfield.nsw.gov.au>;  
**cc**  
**bcc**  
**Subject** Tenterfield War Memorial Bath Draft M.P.

Submission: Tenterfield War Memorial Bath Draft Master Plan and Feasibility Study.

I was impressed with the full study report that has disappeared from the TSC website. Ambitious, comprehensive, detailed. A worthy document. Until funding arrives for this plan may I suggest monogrammed good quality towels promoting the current Tenterfield Pool be provided/sold to locals and tourists as useful promotional material. The pool must be promoted to capture more passing trade ie tourists, to relax and refresh while travelling through the area. Clear signage would be advantageous – opening hours, fees.



3

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**From**  
**Date** Thu Feb 18 07:15:46 AM AEDT 2021  
**To** council@tenterfield.nsw.gov.au;  
**cc**  
**bcc**  
**Subject** Tenterfield Memorial Pool Upgrade Option 2

To whom it may concern

As I look at the plan for an upgrade to Tenterfield Memorial Baths I get very excited as this is what we truly need for our community going forward.

I am a business owner and born local of the town and the local baths have been a great part of my growing up. It continues to be a part and will be in the near future as my fiance and I look to start a family in the coming future. The baths will be needed for us to go and teach our children to swim and to be there for their needs with further schooling opportunities. As a business owner I work and talk with my clients and all I hear all day long is how much they need the Memorial Baths to do exercise or for their kids to train and to exceed with sports goals. A Hydrotherapy pool will be a wonderful asset to our community for rehabilitation reasons and will be used greatly, family and friends have needed this as they recover after surgery and injury. Also we need this updated version of the baths as an attraction to our town, and I cant see a better time to do this as our town is blossoming with new residents and visitors.

I am very passionate and excited to see this evolve because we need this for our current and future community and I will be running with this opportunity and proposal all the way. I know I will have many people as excited along with me, we all want to see this, so let's make it happen!

Thanks

4

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**From**  
**Date** Wed Feb 03 04:26:13 PM AEDT 2021  
**To** council@tenterfield.nsw.gov.au;  
**cc**  
**bcc**  
**Subject** Swimming pool...option 2

To the Chief Executive

I write as a regular pool user (lap swimming for fitness and enjoyment) and season ticket holder. I am 65 years old. I attended the public meeting last year that canvassed community feeling about possible redevelopment of the pool.

It is clear that Option 2 meets all but one of the significant matters raised that evening. The only exception being the wish that some had for a 50 metre competition pool rather than a 25 metre one. However, the majority feeling that night seemed to be that a 50 metre pool in itself would lead to a sacrifice of other important aspects, such as a hydrotherapy and/or water activity classes facility. Therefore, overall, I see Option 2 as a stylish, functional solution that would create a highly usable facility for residents and visitors, for a full range of learn to swim, recreational, fitness, therapy and competitive activities. It would be a magnificent community resource for many years to come.

However, I have a feeling that Option 2 may be a bridge too far. Would the cost of creating that pool complex be so high that it would never be likely to be started? What are the possible avenues of funding that could be accessed? Is it possible for that development to be done in stages, as part funding becomes available, or would it require an all or nothing approach? I note the rider on the website that stresses that "no funding has been secured to implement any of the proposal". There seems a sense of finality in that statement that doesn't encourage any buds of optimism.

Was there an Option 1? Or Options 3,4 etc? If so, what major differences are there between it or them and what is proposed in Option 2?

At a minimum I would hope that there could be some solution that allowed the current 33 metre pool to be widened to 8 lanes (if possible) and shortened to 25 metres for competition use, with the residual length being converted to a water activity/ learn to swim section. Perhaps a method of year heating could be installed that would allow for a 12 month season ( or at least longer than currently available) even in an outdoor pool setting. Would there be space alongside the existing toddlers pool for some water play equipment to be installed?

I would assume that these sorts of solutions would be far less costly to implement than Option 2, whilst still meeting a wide range of the needs identified at last year's public meeting. Of course, the outcome would not be as spectacularly impressive as the complex planned in Option 2, but what use will Option 2 be if only ever remains a proposal, rather than a reality.

The pool as it currently is, whilst being professionally run by a great team of staff and well suited to its current usage patterns, needs something to happen to it to bring its charms to a far wider audience than it attracts at the moment.

If Option 2 is not a realistic chance of happening in my expected life span, then I would like to at least see a more cost effective solution implemented so that many more locals and visitors are able to make regular visits to the baths and enjoy the benefits of the great gift of a council pool.

I hope I am just being pessimistic about Option 2's chances of being funded!

Best wishes

|                      |                                     |
|----------------------|-------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>       |
| <b>Submitted by:</b> | Manager Asset & Program Planning    |
| <b>Reference:</b>    | <b>ITEM COM10/21</b>                |
| <b>Subject:</b>      | <b>TENTERFIELD BIKE PLAN REVIEW</b> |

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

|                             |                                                                                                                                                                         |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Transport</b> - TRSP 15 - We have an effective interconnected transport system that is safe, efficient and affordable for us as a community.                         |
| <b>CSP Strategy:</b>        | Tenterfield township and villages have pedestrian and cycle ways we can safely and conveniently walk or ride on, that connect us to our community facilities and homes. |
| <b>CSP Delivery Program</b> | Review and implement planning for footpaths and cycleway infrastructure that is safe for users and supports connectivity and active recreation in urban environments.   |

#### **SUMMARY**

The purpose of this report is to present Council with an update of the Tenterfield Bike Plan following public display for submissions.

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

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

- (1) Note the submissions to the Tenterfield Bike Plan as detailed in the report; and**
- (2) Adopt the Tenterfield Bike Plan November 2020.**

#### **BACKGROUND**

The current Bike Plan is due for a five-year review and this report presents an updated Tenterfield Bike Plan (August 2020) following public advertising.

#### **REPORT:**

The Bike Plan (2020) has been considered and advertised for public submissions.

There have been limited responses to the public advertising period, however the following suggestions have been received;

- ( a ) Proposal to encourage more bike riding and promote the bike paths: Invite the local community (including the Mens' Shed, Make It Tenterfield) to consider adopting some of the bikes discarded at the Tenterfield Waste Transfer Station and recondition them for display in appropriate locations along the town's bike paths. These bikes are not for riding but for safe, weather proof, stationary displays like sculptures to designate and enhance the areas for bike riding and attract tourists.
- ( b ) Proposed cycling linkages to rural mountain biking tracks. As these facilities are still being developed in detail, it is appropriate to review these connections with a future review.

Our Community No. 10 Cont...

- ( c ) Proposed pathways around the Tenterfield Water Supply Dam and linkages to existing constructed pathways. As the Dam pathway project is still to be developed in detail, it can be considered with a future review.

The proposal of sculptures to encourage participation and tourists, while quite beneficial to the community, would features included with Council's parks and gardens area as assets. Sculptures would not be appropriate for on road cycle lanes and the on road cyclepaths, therefore any further consideration of these structures would be as part of the open space infrastructure.

The revised Bike Plan includes minor amendments made for current standards, census data, accident information and references to Transport for NSW (formerly Roads & Maritime Services).

The Action Plan was updated to identify works that have been completed to date. The remaining actions relate to widening of road shoulders and line marking to complement road bicycle lanes.

While the community would welcome additional off road shared pathways for recreational bicycle use, there needs to be a source of funding secured for any capital works and a respective acceptance from the community of the increased financial cost for depreciation and ongoing maintenance. Therefore the planning scheme for the town plan is relatively unchanged.

#### **COUNCIL IMPLICATIONS:**

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

Community consultation was originally undertaken with community and cycling focused groups. Recent advertising on website and Local News to residents called for any submissions.

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

The document aligns with other related strategic Council plans.

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

There are no specific funds set aside for completion of the works within this Plan, however grant funding may be sought for enhanced facilities.

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

While there are no funds currently allocated for further works, funding opportunities may become available with external grant applications to enhance the network through new work. Council would need to allow for increased depreciation expenses in future budgeting if any addition assets are funded.

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

No implications.

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

No implications.

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

No implications.

Our Community No. 10 Cont...

### **8. Project Management**

Many of the actions within the Plan, should funding become available, would require project management to apply for grants and complete funding reports. These costs are not included in the works schedule and would need to be included with any grant application.

**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 1 (Attachment Booklet 1) - Tenterfield Bike Plan <b>18</b> Pages |

|                      |                                               |
|----------------------|-----------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>                 |
| <b>Submitted by:</b> | Manager Asset & Program Planning              |
| <b>Reference:</b>    | <b>ITEM COM11/21</b>                          |
| <b>Subject:</b>      | <b>PEDESTRIAN ACCESS MOBILITY PLAN REVIEW</b> |

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

|                             |                                                                                                                                                                         |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Transport</b> - TRSP 15 - We have an effective interconnected transport system that is safe, efficient and affordable for us as a community.                         |
| <b>CSP Strategy:</b>        | Tenterfield township and villages have pedestrian and cycle ways we can safely and conveniently walk or ride on, that connect us to our community facilities and homes. |
| <b>CSP Delivery Program</b> | Review and implement planning for footpaths and cycleway infrastructure that is safe for users and supports connectivity and active recreation in urban environments.   |

#### **SUMMARY**

The purpose of this report is to present a review of the Tenterfield Pedestrian Access and Mobility Plan.

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

**That Council adopt the revised Tenterfield Pedestrian Access and Mobility Plan – (2020) with the following inclusions relating to villages;**

- **Drake village – Renew existing pathway along Bruxner Highway between Allison Street and Plumbago Creek bridge;**
- **Drake village – Construct new pathway along Bruxner Highway between Plumbago Creek bridge and Timbarra Street;**
- **Urbenville village – Renew existing pathway along Beaury Street between Urben Street and Boomi Street;**
- **Urbenville village – Construct new pathway along Urben Street between Beaury Street and Tooloom Street;**
- **Liston village – construct pathway along Mt Lindesay Road.**

#### **BACKGROUND**

The current Pedestrian Access and Mobility Plan (PAMP) was adopted by Council in June 2014 and a number of the proposed actions from that plan have been undertaken. The plan proposed a review on a five-year basis and this report presents a revised PAMP.

#### **REPORT:**

The current PAMP has had some works actions completed and a revision of the Plan has been carried out. In reviewing the current Pedestrian Access and Mobility Plan (June 2014), a number of amendments were made to reflect current standards and references agencies such as the former Roads and Maritime Services that has now become Transport for NSW. Some census data and accident information has also been updated.

## Our Community No. 11 Cont...

The action plan has been updated to identify works that have been completed to date. There are a number of further works that would improve access for school children, aged members of the community and those with mobility difficulties. It is important that all members of the community, including visitors to the region, are able to use the shire facilities with suitable access. The Plan can be used by Council to support grant applications when seeking future opportunities to fund these works to deliver the works schedule.

The Plan was placed on public exhibition in September and a number of submissions were received relating to villages in the Shire to include the following pathways;

- Drake village – Renew existing pathway along Bruxner Highway between Allison Street and Plumbago Creek bridge;
- Drake village – Construct new pathway along Bruxner Highway between Plumbago Creek bridge and Timbarra Street;
- Urbenville village – Renew existing pathway along Beaury Street between Urben Street and Boomi Street;
- Urbenville village – Construct new pathway along Urben Street between Beaury Street and Stephen Street;
- Liston village – investigate pathway along Mt Lindesay Road

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

Community consultation was originally undertaken with community groups to assess issues with access and mobility. A number of these issues remain on the action plan.

**2. Policy and Regulation**

- The current document aligns other related Council plans.

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

There are no specific funds set aside for completion of the works within this Plan and further construction works are subject to grant funds being received. Additionally, where any development is proposed to occur adjacent to, or near an identified item, the task could be conditioned to the development consent.

**4. Asset Management (AMS)**

While there are no funds for major works available, any upgrades to the network through new work would increase the depreciation expense to Council finances. The funding of any major works, while improving access and mobility, should also aim to reduce Council's ongoing maintenance burden through the use of long life materials such as concrete paving and ramps.

**5. Workforce (WMS)**

No implications.

**6. Legal and Risk Management**

No implications.



Our Community No. 11 Cont...

**7. Performance Measures**

No implications.

**8. Project Management**

No implications.

**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 2 (Attachment Booklet 1) - Pedestrian Access & Mobility Plan (PAMP) | 34 Pages |

|                      |                                        |
|----------------------|----------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>          |
| <b>Submitted by:</b> | Manager Asset & Program Planning       |
| <b>Reference:</b>    | <b>ITEM ECO9/21</b>                    |
| <b>Subject:</b>      | <b>ROAD ASSET MANAGEMENT PLAN 2021</b> |

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

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

#### **SUMMARY**

This report presents a revision of the Road Asset Management Plan.

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

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

- (1) Note the submissions relating to the Road Asset Management Plan August 2020; and**
- (2) Place the revised Road Asset Management Plan April 2021 on Council's website for 28 days seeking public submissions; and**
- (3) Receive a report following the 28 day submission period to consider any further submissions; and if no submissions are received, that Council adopt the Road Asset Management Plan April 2021.**

#### **BACKGROUND**

Council's Road Network Management Plan May 2013 was revised during 2020 and placed on public display for any submissions to the document renamed Road Asset Management Plan. This report summarises submissions to the new document.

#### **REPORT:**

The Road Asset Management Plan guides the management of the road network across the Shire. The Road Asset Management Plan (formerly referred to as Road Network Management Plan) was displayed for public information and any submissions to the revised document.

Amendments to the original Plan included updated names for certain authorities, improved section structure and the inclusion of specific sections relating to existing Council Engineering Policies of Dust Abatement, Gutter Crossings, Kerb and Gutter Corner Lot Contributions, Kerb and Gutter Granite Gutters, Maintenance of Nature Strips and Road Verges, Standard Drawings and Road Naming. Once the revised Road Asset Management Plan is adopted, existing policies relating to these topics will be withdrawn.

A summary of submissions are listed below;

Our Economy No. 9 Cont...

1. **Sherratt Road, Torrington** - Is it possible to have part of this road bitumened past the first few houses in the village? There is a huge amount of dust making it unpleasant for residents there.

Also Sherratt Road will be a major thoroughfare to our new Torrington Landfill Station (when it opens). This road is already badly corrugated as is Silent Grove Road. A lot of traffic will be using these roads. As Council will be encouraging residents to use The Tip, we hope that road maintenance will be carried out regularly.

*(Engineering Note - Council has already allocated grant funding under the LRCI program to seal Sherratt Road).*

2. **Demon Creek Road** - We refer to the Tenterfield Shire Council's recent Road Asset Management Plan issued in August 2020.

We note that the public was invited to enter Submissions to Council for possible roads and thoroughfares to be included in the Tenterfield Shire Council's 'Council-maintained road network'.

At present, the only access to our property is from the Bruxner Highway onto Timbarra Road and then on to Demon Creek Road.

...Given the current condition of the Demon Creek Road we would be unable to get relevant materials down to our property .....

More importantly, Demon Creek Road is in such a need of state of repair that there are deep ruts that cause our motor vehicles to bottom out causing damage and the ruts can be described as being in excess of 300mm deep in some areas. During recent drought, we have had to cart water to our property in order to ensure our cattle's survival. The Demon Creek Road is becoming so dangerous that dry whether our vehicles are being directed to areas of the road which as so badly damaged that they cause our vehicles to be steered close to steep embankments.

Furthermore, during wet weather our property is almost completely inaccessible as the large ruts and potholes fill with running water and cause a current against our motor vehicles. Due to clay like land materials in the wet they become increasing slippery.

The Demon Creek Road is seeing a greater number of ruts exceeding the depth of 300mm and 600mm in width, the road embankment is also beginning to collapse in some areas. The Road is consisting of large corrugations which stretch in excess of 300 metres.

There are several other farmers that utilise the Demon Creek Road as it is the only road available to us in order to access our properties, however due to the lack of maintenance that is being done on the Demon Creek Road at times it is not always possible to access our properties.

Finally, during the first quarter of 2020, our property was nearly burnt by the devastating bushfires. During this time, it was critical for our property and surrounding properties to be access by local RFS crews. On the Demon Creek Road, there are many large dams and creeks which provided crucial water supplies for the RFS when battling the blazes.

## Our Economy No. 9 Cont...

Again, due to the current condition of the road should not only would efforts have been inhibited, they very well could have been prevented due to lack of maintenance and repairs being conducted on the Demon Creek Road.

We are seeking, on a safety basis, that the Demon Creek Road be included in the Tenterfield Shire Council's maintained road network. The Road currently as it stands is in desperate need of fixing and maintenance to ensure the safety of all property owners and livestock which utilise this Road. It is not only important for the Registered Proprietors of land which utilise this Road but it is also crucial that this road be maintained as it one of the access roads for the National Trails which sees a large number of riders come and go annually.

*(Engineering Note – this road deviates significantly from a formal road reserve where Council ends its maintenance of Demon Creek Road).*

3. **Millers Lane** - request for various options ranging from speed bumps through to a full seal to minimise or remove the current problem of dust due to increased traffic on Millers Lane.

*(Engineering Note - Council has already allocated grant funding under the LRCI program to seal Millers Lane).*

4. **Sugarbag Road** – The recent bushfires have made clear the importance of alternative routes for residents, visitors and emergency services during extreme emergencies. Completing the joining section between the two sections of Sugarbag Road would provide an additional access route. We ... request Tenterfield Shire Council upgrade the section of Sugarbag Road that links Paddys Flat Road (Tabulam) with Cheviot Hills Road (Drake) to all weather/2WD standard.

*(Engineering Note – Council has previously noted this request and does not have any funding allocated towards this request).*

5. **Leeches Gully Road** - The Draft Road Asset Management Plan (3.2.3.4. Vegetation Control, p.25) states it is accepted practice in Tenterfield Shire that rural land owners are responsible for the maintenance of the land between their property fence and the road. We were unaware of this and from our observations of road sides suspect other rural landholders may also be uninformed. However we have undertaken this task for several years – mowing and brush cutting lovegrass, cutting down and poisoning woody weeds (mainly privet) and undertaking extensive revegetation to reduce the fire hazard grassed areas and improve native plant biodiversity. A dangerously weakened and overhanging tree was efficiently removed from our road verge (Leech's Gully Road, Tenterfield) recently by TSC staff.

Following the stress and damage of the recent drought and bushfires there must be many trees that present a similar danger to passing traffic on shire roads. We suggest this problem be included and addressed in the above plan.

6. **Roos Road** – This letter is on behalf of my family and all other rate payers and users of Roos Road in regards to its condition and ongoing maintenance.

Our Economy No. 9 Cont...

I have had numerous phone calls and conversations over a number of years about the condition mainly due to the lack of gravel and drainage provided to maintain the Road to a appropriate standard. In recent times the timeframe between maintenance grades is so long and as a result the Road is getting worse each year.

The state of the Road is now a major factor in frequent near misses with other vehicles travelling back and forth on our way to work or dropping and picking up our children from the school bus at the bus stop located at the corner of Roos Road and the Bruxner Highway. It is only a matter of time until there is a collision somewhere along the Road. The condition of the Road is also causing damage to our vehicles.

A major contributing factor to a likely vehicle collision is the lack of pavement width, it is not uncommon for vehicles that meet along this Road to move into the table drain and into the leading edge of a mitre drain to provide safe passing for an oncoming vehicle. On occasions larger vehicles are required to reverse to a section of Road that allows both vehicles to pass.

There are sections of Road that are now so deteriorated that its becoming a requirement for vehicles to be 4wd due to large washouts and 2wd vehicles not having enough ground clearance to travel over exposed rocks.

Many rate payers on Roos Road are primary producers that require all year access for stock and delivery trucks, the Road condition is now preventing safe access for these larger vehicles.

On behalf of ratepayers on Roos Road we don't expect this Road to be as wide as a Highway but we expect the Road to be safe for ail users to traverse. The Roos Road rate payers feel that if the last section of the Road could be reclassified appropriate to its level of usage facilitating the level of construction and maintenance required.

7. **Tourist Drive No 9 / Gum Flat Road / Mt Mackenzie Lookout** - Many persons and businesses, and indeed council, spend considerable time and money ensuring tourism is a leading force in driving our economy. But, as you know, my problem is the poor state of some of our infrastructure that we ask our visitors to endure.

First of all let me congratulate council on the effort they have put into the Mt. Lindsay Road. This thoroughfare is getting better all the time, and is an important link in bringing people from the Northern rivers/ Gold Coast and S.E Queensland. I am watching it transform from a goat track to a road being worthy of bringing Tourists to our shire. Well done. May Legume to Woodenbong continue to be upgraded as well.

The problem we have in the shire is that when we do get visitors here, at great expense to many persons, we dish up substandard tourism infrastructure. Kildare Road/ Gum Flat Road and Mt Mackenzie lookout are a glaring example.

In these times of covid 19 and ... border closures, we are seeing on ever increasing visitation by persons from the Northern Rivers region of NSW. These persons are now visiting their "own back yard" and this is injecting much needed funds into our shire. Because of this ..many .. are now again using tourist Drive No 9, working their way up to Mt. Mackenzie.

## Our Economy No. 9 Cont...

Indeed, the new "Tenterfield True" booklet, put together with the aid of council, even ranks this drive as number 4 in the top ten things to do when visiting Tenterfield shire.

.... Tourist Drive No 9 can only be described as a disgrace. ... Tourist Drive No 9 was on the must do list. At times we had to stop .... to get over the corrugations. Any faster and they could hear what was being said due to the noise, let alone being shaken around like rag dolls.. This was a TOTAL embarrassment to ... the Shire. Gum Flat Road, at the present moment, is in better condition. I thank the council for all the effort there.

But, Mt Mackenzie lookout, arguably, one of our shire's greatest assets, is a major embarrassment. The Toilet facilities are a disgrace, disabled facilities are non existent and car parking / Coach parking do not exist. .... Impossible if you are in a large bus.

.... I know the council is not awash with abundant funds that would instantly transform this wanting infrastructure into the asset that it needs to be. What I am asking, is that council, lobby who ever they need too, as a matter of urgency, to gain the funding required to bring this most important Tourism Asset into the modern day. Something the Shire can be proud of. In the short term, a grading of Kildare Road would be a start.

Many things throughout the Shire, including our Town, are looking wonderful. Again, many thanks to the Council for the effort by all concerned.

*(Engineering Note - Council has already allocated grant funding under the Local Roads & Community Infrastructure Program to seal that part of Gum Flat Road leading to Mt Mackenzie and also to seal Kildare Road. Council has also been successful in obtaining further grant funding towards supporting works for the upgrading of Kildare Road on the Tourist Route. Still further, Council has submitted an application for funding to widen the Mt Mackenzie Lookout Road and to upgrade the facilities at the Lookout).*

**8. Wellington Lookout Road** - The last 1km stretch of this road ..... as well as my neighbour..... plus there are two more rural blocks at the very end) does not exist on paper. According to Council's paperwork Wellington Lookout Road ends 500m before you get to my driveway and at my neighbour's gate when in fact it continues for another 1 km and runs through his property.

Council does not maintain this stretch of road which has now become treacherous.

*(Engineering Note - Council has already considered a report on this matter advising that the additional maintenance be considered with the review of the Road Network Management Plan).*

9. **Talmoi Road** - We reside ..... Talmoi Road where the council owned road passes through Talmoi Station. In the 15 years we have been on the property, TSC has not conducted any road maintenance for this section of the road. We have recently confirmed with Crown Lands that TSC does in fact own this section of road.

## Our Economy No. 9 Cont...

The recent rains and lack of maintenance for this extended period has made sections of the road very rough and our family is not able to safely drive through in a standard vehicle and require a 4x4 in most instances. We require all weather and safe access in the event of an emergency on the property.

We respectfully seek your consideration and action to undertake road maintenance for the entire length of the council owned Talmoi Road at your earliest convenience.

The Talmoi Road, road reserve stops 200 meters from our main gate and this portion of road is a right of carriageway through Talmoi Station. In consideration of us having paid for road maintenance over the past 15 years, we would kindly ask that TSC grade the entire length of the access road including the right of carriage way (an additional 200 meters) up to our main entry gate. Similar circumstances exist for the Stone Bridge property and it would be fair and reasonable to grade up to their main entry gate as well, considering they too have contributed to the costs of maintaining a council owned road for the past 10 years whilst they have owned the property.

We look forward to your favourable response and actions.

*(Engineering Note - Council has already considered a report on this matter advising that the additional maintenance be considered with the review of the Road Asset Management Plan).*

10. **Maryland Cullendore Road** – Council has contacted Crown Lands Department and National Parks & Wildlife Service informing them that Tenterfield Shire Council wishes to keep the Maryland Cullendore Road open. NPWS has confirmed that gazettal documents for a closure have been withdrawn.
11. **Reid Street, Tenterfield** – Council has previously accepted a report to accept maintenance of Reid Street (located off Bellevue Road) following the upgrade of the road through a Development Consent condition. This road will also be added as a Rural Road to the Plan Register.

A number of these submissions relate to general maintenance or requests for bitumen surfacing and either have action pending or grant applications seeking funding for Council's financial support.

Upon discussions with Council, further sections of Talmoi Road (additional 2.5km), Wellington Lookout Road (additional 1.0km) and Maryland Cullendore Road (existing road through National Park) are considered for inclusion in the Rural Road Register. Reid Street (0.20km length) will also be added to the Register.

The Plan also proposes to amend the rural road classifications with the inclusion of a Category E for lower order roads with the description for categories adjusted to allow for the new category. The amended Appendices have been included within the main document for improved reference.

It is recommended that the revised Road Asset Management Plan April 2021 be again placed on public display for 28 days and if no further submissions are received, that the Plan be adopted.

Our Economy No. 9 Cont...

### **COUNCIL IMPLICATIONS:**

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

The Road Asset Management Plan April 2021 is recommended to be placed on public exhibition for a period of 28 days for community information and comment.

**2. Policy and Regulation**

The Plan is due to be reviewed biennially and at least once per Council term.

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

The Plan does not directly include fees or charges, however aspects of the Plan influence annual budgets to seek expenditure savings.

**4. Asset Management (AMS)**

The review of Council's Road Asset Management Plan supports the management of transport assets.

**5. Workforce (WMS)**

No implications.

**6. Legal and Risk Management**

The revision of Council's Road Asset Management Plan ensures the document relates to current policies, legislation and guidelines.

**7. Performance Measures**

No implications.

**8. Project Management**

No implications.

**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 3 (Attachment Booklet 78<br>2) - Draft Road Asset Management Pages<br>Plan |



|                      |                                          |
|----------------------|------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>            |
| <b>Submitted by:</b> | Manager Asset & Program Planning         |
| <b>Reference:</b>    | <b>ITEM ECO10/21</b>                     |
| <b>Subject:</b>      | <b>TIMBER BRIDGES LOAD LIMITS REVIEW</b> |

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

|                             |                                                                                                                                                 |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Transport</b> - TRSP 15 - We have an effective interconnected transport system that is safe, efficient and affordable for us as a community. |
| <b>CSP Strategy:</b>        | The management of Council's assets will be long term and focused on meeting the needs of the community now, and into the future.                |
| <b>CSP Delivery Program</b> | Management of the transport infrastructure assets in response to changing community need.                                                       |

#### **SUMMARY**

This report relates to timber bridge load limits and reviews the status of restrictions implemented as an interim strategy to minimise the risk of timber bridge failure until Council was able to upgrade the structures to meet current standards.

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

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

- (1) Note the report reviewing the status of timber bridge load limits; and**
- (2) Agree to the removal of any remaining speed humps on bridge approaches; and**
- (3) Seek the advice of the Local Traffic Committee to review regulatory speed restrictions on bridges for replacement with appropriate advisory speeds on selected remaining timber bridges where necessary; and**
- (4) Defer further level 3 testing until completion of the currently funded timber bridge replacements program.**

#### **BACKGROUND**

Council has previously considered reports relating to the timber bridges on the Shire road network and load limits where applied to a number of bridges.

For a significant number of the remaining bridges, in 2019 Council endorsed the non-application of load limits for up to 24 months based on risk management of the impaired bridges through load testing of structures to confirm allowable loads, the application of speed limits, increased frequency of bridge inspections and carrying out any required maintenance until timber bridges can be replaced. It was also suggested to arrange further level 3 inspections after 2 years on any structure having a prior load limit recommendation that had not already been upgraded.

#### **REPORT:**

Council's May 2018 meeting indicated the need to load limit 15 out of a total of 17 timber bridges that had been inspected to level 3 testing on higher order class A and B roads.

## Our Economy No. 10 Cont...

One of the bridges had already been programmed for replacement leaving 14 that required load limiting. At that time, the road network had a total of 58 timber bridges across the Shire indicating the likely implications across the remaining bridges.

As the region was drought affected at the time, rural communities and businesses were significantly impacted by the load limited bridges for delivery of relief stock feed, fuel and household water supply deliveries. Further bridge restrictions would have a major impact to the rural community.

In April 2019, Council noted a report on the balance of Council's timber bridges on lower order roads where independent bridge engineering professionals suggested further load limits on 20 bridges across the network over and above what had already been applied. Further bridge restrictions would have a major impact to the rural community. Council therefore endorsed the non-application of further load limits for up to 24 months based on risk management of the impaired bridges.

Risk assessment methods included load testing of some structures, installation of speed signage and speed bumps, increased inspections with ongoing bridge maintenance to provide cost effective interim solutions.

While some of these measure and works have been impacted by subsequent natural events including fires, the health pandemic and recent flooding, the work to improve the condition of timber bridges has continued throughout the past two years.

The initial 14 bridges for load limiting in August 2018 included:

| <b>Road Name</b>       | <b>Stream Name</b> | <b>Load Limit</b> | <b>Action</b>   |
|------------------------|--------------------|-------------------|-----------------|
| Mt Lindesay Road       | Boonoo Boonoo R.   | 10 tonnes         | Replaced        |
| Black Swamp Road       | Cataract River     | 10 tonnes         | Strengthened    |
| Hootons Road           | Clarence River     | 9 tonnes          | Replaced        |
| Paddys Flat Rd (North) | Kangaroo Creek     | 10 tonnes         | Replace 2021    |
| Torrington Road        | Deepwater River    | 12 tonnes         | Replace 2021    |
| White Swamp Road       | Woodenbong Ck      | 9 tonnes          | Renewed         |
| Beaury Creek Road      | Beaury Creek       | 30 tonnes         | Renewed         |
| Beaury Creek Road      | Boundary Creek     | 11 tonnes         | Replaced        |
| Billirimba Road        | Hawkins Gully      | 7 tonnes          | Strengthened    |
| Castlerag Road         | Deepwater River    | 13 tonnes         | Strengthened    |
| Paddys Flat Rd (South) | Unnamed Creek      | 14 tonnes         | Replace 2021    |
| Sunnyside Loop Road    | Blacksmith's Creek | 8 tonne           | Strengthened    |
| Torrington Road        | Kangaroo Creek     | 12 tonnes         | Nil             |
| Leeches Gully Road     | Washpool Creek     | 16 tonnes         | Replace 2021/22 |

The secondary group of assessed bridges reported in April 2019:

| <b>Road Name</b>   | <b>Stream Name</b> | <b>Suggested Limit</b> | <b>Action</b>   |
|--------------------|--------------------|------------------------|-----------------|
| Back Creek Road    | Tenterfield Creek  | 5 tonnes               | Strengthened    |
| Billirimba Road    | Quigeram Creek     | 5 tonnes               | Renewed         |
| Billirimba Road    | Billirimba Creek   | 8 tonnes               | Renewed         |
| Boorook Road       | Cataract River     | 10 tonnes              | Strengthened    |
| Boorook Road       | Boorook Creek      | 10 tonnes              | Renew 2021      |
| Cheviot Hills Road | Fairfield Creek    | 10 tonnes              | Renewed         |
| Grahams Creek Road | Grahams Creek Ck   | 15 tonnes              | Replace 2021/22 |
| Harrigans Lane     | Unnamed Creek      | None                   | Nil             |

## Our Economy No. 10 Cont...

|                        |                     |              |               |
|------------------------|---------------------|--------------|---------------|
| Harrigans Lane         | Boonoo Boonoo R     | 10 tonnes    | Nil           |
| Mole River Road        | Tablelands Creek    | 15 tonnes    | Renew 2021    |
| Mt Speribo Road        | Horseshoe Swamp     | 15 tonnes    | Renewed       |
| Pyes Creek Road        | Pyes Creek          | None         | Renew 2021/22 |
| Pyes Creek Road        | Pyes Creek          | None         | Renew 2021/22 |
| Rocky River Road       | Demon Creek         | None         | Nil           |
| Rocky River Road       | McLeods Creek       | 15 tonnes    | Renewed       |
| Silent Grove Road      | Nukoorapeta Creek   | 5 tonnes     | Renewed       |
| Barlows Gate Road      | Acacia Creek        | 5 tonnes     | Replace 2021  |
| Cullens Creek Road     | Koreelah Creek      | 15 tonnes    | Renewed       |
| Gould Falls Road       | Acacia Creek        | None         | Strengthened  |
| Johnstones Road        | Pyes Creek          | Replaced     | Replaced      |
| White Swamp Road       | Koreelah Creek      | 15 tonnes    | Nil           |
| Kellys Road            | Swamp Oak Creek     | None         | Nil           |
| Kia Ora Road           | Five Mile Creek     | None         | Nil           |
| Lower Rocky River Road | Unnamed Creek       | 10 tonnes    | Replaced      |
| McLeods Creek Road     | McLeods Creek       | Not Assessed | Nil           |
| Mt Clunie Road         | Unnamed Creek       | None         | Strengthened  |
| Mt Clunie Road         | Woodenbong Creek    | 15 tonnes    | Strengthened  |
| Pattersons Road        | Acacia Creek        | 15 tonnes    | Renew 2021/22 |
| Rivertree Road         | Maryland River      | None         | Nil           |
| Springfield Road       | Mole River          | 15 tonnes    | Strengthened  |
| Tooloom Street         | Acacia Creek        | None         | Renew 2021/22 |
| Urbenville Road        | Unnamed Creek       | 10 tonnes    | Replaced      |
| Wallaroo Range Road    | Bookookoorara River | None         | Replaced      |

Council has now achieved significant improvements to a number of bridges and it is appropriate to remove speed humps on bridge approaches where practical as many drivers are driving around the speed hump on the road to the detriment of the road verge.

It is suggested that Council seek the advice of the Local Traffic Committee to review the temporary regulatory speed restrictions placed on timber bridges with consideration to replace with appropriate permanent advisory speeds on selected remaining timber bridges. The warning signs would continue to protect dynamic loading onto bridges while ensuring that use of regulatory speed limits are deemed as appropriate for the roads such as urban streets and road works.

Due to the extent of current bridge replacements and funding received for more replacements, it is suggested that further level 3 testing on remaining timber bridges with load limits be deferred until completion of the current funded timber bridge replacements program, and be monitored with trained Council staff to continue to inspect all remaining load limited bridges not actioned to date in the interim.

### COUNCIL IMPLICATIONS:

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

Council as undertaken engagement with the impacted shire community through a number of measures including local public meetings, local news media releases and specific updates in the local mail out 'Your Local News'. The Council website has also carried a section on timber bridges regularly updating the works being undertaken as well as impending works on bridges.

Our Economy No. 10 Cont...

## 2. Policy and Regulation

- Roads Transport Act 1993

## 3. Financial (Annual Budget & LTFP)

The assistance of additional for replacement of timber bridges with new concrete structures has been a financial benefit with examples of recent funding as below;

|                        |                  |                               |
|------------------------|------------------|-------------------------------|
| Mt Lindesay Road       | Boonoo Boonoo    | \$2.9M (100% NSW grant fund)  |
| Toolom Road            | Beaury Creek     | \$ 1.6M (100% NSW grant fund) |
| Hootons Road           | Emu Creek        | \$ 2.1M (85% NSW grant fund)  |
| Hootons Road           | Clarence River   | \$ 0.5M contribution to KSC   |
| Torrington Road        | Deepwater River  | \$1.2M (50% Federally funded) |
| Paddys Flat Rd (North) | Kangaroo Creek   | \$1.2M (50% Federally funded) |
| Beaury Creek Road      | Boundary Creek   | \$ 0.19M (IBS)                |
| Urbenville Road        | Unnamed Creek    | \$ 0.26M (IBS)                |
| Wallaroo Range Road    | Bookookoorara R. | \$ 0.15M (IBS)                |
| Paddys Flat Rd (South) | Unnamed Creek    | \$ 0.70M (50% BRP / 50% FCB)  |
| Paddys Flat Rd (North) | Unnamed Creek    | \$ 0.73M (50% BRP / 50% FCB)  |

## 4. Asset Management (AMS)

Asset Management Strategy supports a planned maintenance program for timber bridges and more focus directed towards concrete bridges in the future as those assets continue to age.

## 5. Workforce (WMS)

The assistance of additional funding supports current work staff involved in timber bridge renewal and replacement, supplemented where necessary by specialist contractors for major replacement works.

## 6. Legal and Risk Management

It is a risk if Council were not appropriately addressing the load safety of bridges, however in recent years this has been the major focus of Council's attention with major acceleration of the renewal and replacement program.

## 7. Performance Measures

Access limitations implemented when the issue was first identified are being gradually addressed and opened to general traffic as works proceed to ensure Council has an effective and efficient transport network.

## 8. Project Management

The management of the Shire timber bridges is undertaken by Council's Asset Manager and Works Engineer with external professional assistance sought where necessary.

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

Prepared by staff member: David Counsell  
 Approved/Reviewed by Manager: Fiona Keneally, Director Infrastructure  
 Department: Engineering Department

|                      |                                            |
|----------------------|--------------------------------------------|
| <b>Department:</b>   | <b>Engineering Department</b>              |
| <b>Submitted by:</b> | Manager Asset & Program Planning           |
| <b>Reference:</b>    | <b>ITEM ENV7/21</b>                        |
| <b>Subject:</b>      | <b>MOLESWORTH STREET DRAINAGE EASEMENT</b> |

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

|                             |                                                                                                                                                 |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>CSP Goal:</b>            | <b>Transport</b> - TRSP 15 - We have an effective interconnected transport system that is safe, efficient and affordable for us as a community. |
| <b>CSP Strategy:</b>        | Ensure adequate stormwater and drainage infrastructure is provided, maintained and renewed.                                                     |
| <b>CSP Delivery Program</b> | Stormwater and drainage infrastructure is provided, maintained and renewed.                                                                     |

#### **SUMMARY**

This report relates to the construction of a storm water drainage system through private property out into Molesworth Street. It is necessary that Council obtain an easement over the area of land that includes the storm water pipe.

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

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

- (1) Note the proposed storm water easement amendment; and**
- (2) Agree to the proposed storm water easement and payment of any compensation of the affected lands; and**
- (3) Fund associated easement survey plan amendments and reasonable legal costs involved in obtaining the easement; and**
- (4) Delegate the Chief Executive to negotiate any compensation amount once an independent valuation has been undertaken and execute any associated documents to finalise the easement.**

#### **BACKGROUND**

Council allocated funds in 2009/10 and 2010/11 to construct a storm water drainage system through private property behind the Rouse Street CBD out into Molesworth Street. The system aimed to provide drainage for the rear of the business buildings fronting Rouse Street to reduce the impact on downstream properties.

The drainage system easement was related to an agreement Council entered into as part of the construction of a shared cycleway/footpath along Tenterfield Creek in 2009. One of the conditions Council in the agreement required drainage impacting Lot 13 DP 37289 to be connected to a drainage pipe in an adjacent property at full cost to Council.

Council investigations in 2019 identified that while the drainage pipes were installed approximately ten years ago, the storm water easement survey plan had not been formally registered and was still with the affected landowner.

Our Environment No. 7 Cont...

**REPORT:**

As part of the agreement for construction of the shared cycleway/footpath along Tenterfield Creek, in 2010 Council constructed a storm water drainage system through private property that discharges into a pipe in Molesworth Street. The system included installation of a concrete drainage pipe 80 metres in length and a further open channel along another property to direct runoff to the pipe. The system aimed to provide drainage for the rear of the business buildings fronting Rouse Street to reduce the impact on downstream properties.

Property owners signed Permit to Enter Agreements to allow Council access to construct the drainage system of concrete pipe and open drain prior to the work commencing on their properties.

The pipe is located largely along the eastern boundary of Lot 4 DP 758959 and connects into the corner of Lot 1 DP 515122. The open channel was to drain runoff along the western boundary of Lot 1 DP 515122, however the open drain section relies upon discharge of water from the Rouse Street buildings across private property to drain to the open channel. All concentrated roof water should be directed to the street or an approved Council drain, and is not permitted to be directed in concentrated flow onto private property.

While this issue usually be a civil matter, Council will need to obtain the easement over the storm water drainage pipe that it constructed, however the easement along the western boundary of Lot 1 DP 515122 may not be appropriate. It may be more suitable to relocate this easement to the eastern boundary of Lot 1 DP 515122 along, and adjacent to the rear of the affected properties in Rouse Street.

In 2013, Council engaged a local registered surveyor to prepare plans for the storm water easement (Ref TE140097–SV1). These plans were provided to the relevant property owners for endorsement prior to be officially registered. To date, these plans have not been signed or registered. Council can seek to have the plans amended by the surveyor accordingly to shown Easement (A) along eastern boundary of Lot 1 DP 515122.

A copy of the survey plan for the storm water easement (Ref TE140097–SV1) and the drainage system plans are at Attachment 4 (Attachment Booklet 3) identifying the storm water pipe details.

Once a plan is prepared that is acceptable to all parties, Council would need to source an independent valuation from a registered valuer to assist in ascertaining the market value of the land and a copy would be provided to the property owner for negotiation.

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

Nil

**2. Policy and Regulation**

- Compensation as set out in the Land Acquisition (Just Terms Compensation) Act
- Local Government Act

Our Environment No. 7 Cont...

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

- An Independent Valuation
- Any compensation payable of the land being burdened by any drainage pipes and easements.
- Surveyors costs to amend the existing easement plan
- Reasonable Legal costs

### 4. Asset Management (AMS)

Asset Management Strategy requires that Council maintain an efficient drainage system, however this system does not directly cater for drainage of Council assets.

### 5. Workforce (WMS)

Nil

### 6. Legal and Risk Management

It is necessary to obtain an easement over the area of land that includes the storm water pipe now that Council has installed the system through private land.

### 7. Performance Measures

Nil

### 8. Project Management

The project management to complete this matter would need to be undertaken by Council staff.

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

|                               |                                                                                                                                                                                                                                                                                                                                                                            |                                                        |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Prepared by staff member:     | David Counsell                                                                                                                                                                                                                                                                                                                                                             |                                                        |
| Approved/Reviewed by Manager: | Fiona Keneally, Director Infrastructure                                                                                                                                                                                                                                                                                                                                    |                                                        |
| Department:                   | Engineering Department                                                                                                                                                                                                                                                                                                                                                     |                                                        |
| Attachments:                  | <ol style="list-style-type: none"> <li><b>1</b> Attachment 4 (Attachment Booklet 3) Molesworth Street - Plan of Easements to Drain</li> <li><b>2</b> Attachment 5 (Attachment Booklet 3) - Molesworth Street - Plan of Easements to Drain - Extract</li> <li><b>3</b> Attachment 6 (Attachment Booklet 3) - Molesworth Street - Commercial Hotel Drainage Plans</li> </ol> | <p>1<br/>Page</p> <p>1<br/>Page</p> <p>4<br/>Pages</p> |

|                      |                                                |
|----------------------|------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>           |
| <b>Submitted by:</b> | Administration & Web Assistant                 |
| <b>Reference:</b>    | <b>ITEM GOV29/21</b>                           |
| <b>Subject:</b>      | <b>MONTHLY OPERATIONAL REPORT - MARCH 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.                                                                                    |

---

**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 2020/2021 Operational Plan.

**OFFICER'S RECOMMENDATION:**

**That Council receives and notes the status of the Monthly Operational Report for March 2021.**

**Kylie Smith**  
**Acting Chief Executive**

|                               |                                                                                                        |
|-------------------------------|--------------------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Christie Fitzpatrick                                                                                   |
| Approved/Reviewed by Manager: | Kylie Smith, Acting Chief Executive                                                                    |
| Department:                   | Office of the Chief Executive                                                                          |
| Attachments:                  | <b>1</b> Attachment 7 (Attachment Booklet 149<br>4) - Monthly Operational Report - Pages<br>March 2021 |



|                      |                                                    |
|----------------------|----------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>               |
| <b>Submitted by:</b> | Executive Assistant & Media                        |
| <b>Reference:</b>    | <b>ITEM GOV30/21</b>                               |
| <b>Subject:</b>      | <b>FORBES SHIRE COUNCIL - 150 YEAR CELEBRATION</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 for Council to endorse attendance of Mayor Peter Petty at Forbes Shire Council's 150 Year Celebrations on Saturday, 8 May 2021.

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

**That Council endorse the attendance of Mayor Peter Petty at Forbes Shire Council's 150 Year Celebrations on Saturday, 8 May 2021.**

#### **BACKGROUND**

Forbes Shire Council were to celebrate their 150 Year milestone in 2020 but unfortunately, due to the impact of Covid-19, the celebration has been held over to May 2021.

Mayor Peter Petty and former Chief Executive Terry Dodds have built an excellent relationship with Forbes Mayor Phyllis Miller OAM and an invitation to attend was extended to both at that time.

A formal invitation has now been extended to Mayor Peter Petty and Acting Chief Executive Kylie Smith for this limited, ticketed, event.

#### **REPORT:**

Mayor Peter Petty has built a firm alliance with Forbes Shire Council Mayor Phyllis Miller OAM through the Country Mayors Association Inc and as the voting member for the Tenterfield Saleyards Advisory Committee on the Australian Livestock Markets Association Inc of which Mayor Miller is Chair.

This alliance has extended through attendances at the National General Assembly, National Roads Congress and LGNSW Annual Conferences.

As Tenterfield Shire Council plans the celebrations for the 150<sup>th</sup> anniversary of the proclamation of the Municipality of Tenterfield in November 2021 with Mayor Peter Petty as Chair of the Sesquicentennial Steering Committee tasked with planning this event, attendance at the Forbes celebration will provide an excellent "on the ground" opportunity to gain relevant knowledge.

Our Governance No. 30 Cont...

In addition, Forbes is home to the Central West Livestock Exchange, a state of the art facility for the large scale sale of sheep, cattle and other livestock, with an invitation to visit the Exchange being extended by Mayor Miller.

Costs to attend the Celebration are minimal being ticket price, accommodation, and use of Council vehicle.

### **COUNCIL IMPLICATIONS:**

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

Nil.

**2. Policy and Regulation**

- Councillor Expenses & Facilities Policy 1.160

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

- Ticket - \$91.32
- Accommodation - \$105.00 x 2

**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**  
**Acting Chief Executive**

|                               |                                           |
|-------------------------------|-------------------------------------------|
| Prepared by staff member:     | Noelene Hyde                              |
| Approved/Reviewed by Manager: | Kylie Smith, Acting Chief Executive       |
| Department:                   | Office of the Chief Executive             |
| Attachments:                  | There are no attachments for this report. |

|                      |                                                                                                            |
|----------------------|------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>                                                                       |
| <b>Submitted by:</b> | Executive Assistant & Media                                                                                |
| <b>Reference:</b>    | <b>ITEM GOV35/21</b>                                                                                       |
| <b>Subject:</b>      | <b>SOUTHERN QLD INLAND &amp; NSW BORDER REGIONAL WATER ALLIANCE - TENTERFIELD SHIRE COUNCIL MEMBERSHIP</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 Southern Queensland Inland & NSW Border Regional Water Alliance has recently been formed comprising the Mayors of the proposed member Councils of Western Downs Regional Council (Qld), Southern Downs Regional Council (Qld), Goondiwindi Regional Council (Qld), Lockyer Valley Regional Council (Qld), Toowoomba Regional Council (Qld) and Tenterfield Shire Council (NSW).

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

**That Council endorse in principle:**

- (1) Tenterfield Shire Council as a member of Southern Qld Inland & NSW Border Regional Water Alliance Limited subject to approval of the Constitution of the Company; and**
- (2) Tenterfield Shire Council Mayor as a Director of Southern Qld Inland & NSW Border Regional Water Alliance Limited.**

#### **BACKGROUND**

Mayor Paul Antonio of Toowoomba Regional Council and other border Queensland Council Mayors have been meeting to consider the formation of the Southern Qld Inland & NSW Border Regional Water Alliance Limited.

Tenterfield Mayor Petty has been invited to attend these early meetings due to the proposal for the Mole River Dam and the cross border water issues that may arise, and also in his role as the Chair of Border Regional Organisation of Councils (BROC), who also consider cross border water security as an item of high importance.

Both Mayor Petty and Cr Gary Verri have attended meetings with the proposed group to explore it's incorporation and vision.

#### **REPORT:**

Mayor Antonio now advises that information has been received from the Queensland State Treasurer that Council's can establish such a company as a beneficial enterprise and has engaged Murdock Lawyers to oversee the process.

Our Governance No. 35 Cont...

Consent forms have been provided to confirm Mayors as Directors and Councils as Members (copies attached to this report).

The Member Consent form acknowledges that member Councils need to approve the Constitution of the Company before membership becomes formally confirmed and the company can be registered with ASIC. Murdock Lawyers will provide the draft Constitution shortly for consideration.

Due to the importance of Tenterfield Shire Council being involved in ongoing cross border water security issues, it is recommended that Council provide in principle endorsement of Tenterfield Shire Council Mayor (currently Cr Peter Petty) being nominated as a Director to the Southern Qld Inland & NSW Border Regional Water Alliance Limited and Council consenting to become a member.

### **COUNCIL IMPLICATIONS:**

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

Nil.

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

- Councillor Expenses & Facilities – Policy No 1.160

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

- No indication regarding membership costs.
- Travel and accommodation costs would be allocated to Councillor delegate's expenses.

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

Nil.

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

Nil.

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

Murdoch Lawyers advice regarding *Company Limited by Guarantee* provisions attached for information.

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

Nil.

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

Nil.

**Kylie Smith**  
Acting Chief Executive

Prepared by staff member: Noelene Hyde  
Approved/Reviewed by Manager: Kylie Smith, Acting Chief Executive  
Department: Office of the Chief Executive

## Our Governance No. 35 Cont...

## Attachments:

- |          |                                                                                                        |            |
|----------|--------------------------------------------------------------------------------------------------------|------------|
| <b>1</b> | Consent of Director - Tenterfield Shire Council                                                        | 1<br>Page  |
| <b>2</b> | Consent of Member - Tenterfield Shire Council                                                          | 1<br>Page  |
| <b>3</b> | Legal Advice - Company Limited by Guarantee - Southern Qld Inland & NSW Border Regional Water Alliance | 8<br>Pages |



INCORPORATION OF  
SOUTHERN QLD INLAND & NSW BORDER REGIONAL WATER ALLIANCE LIMITED

**Consent of Director – Tenterfield Shire Council**

---

On behalf of Tenterfield Shire Council ('TSC'), I consent to being a director of the proposed company limited by guarantee, Southern Qld Inland & NSW Border Regional Water Alliance Limited ('the Company').

The legal advice provided by Murdoch Lawyers in February 2021 about the incorporation of the Company and the roles & responsibilities of a director, has been made available to me.

I understand that under the terms of the Company's Constitution, my role as a director of the Company will automatically cease when I am no longer a TSC Councillor.

Full Name (incl middle name): .....

Residential Address: .....

.....

Date of Birth: .....

Place of Birth: .....

Signature: .....

Date: .....2021



INCORPORATION OF  
SOUTHERN QLD INLAND & NSW BORDER REGIONAL WATER ALLIANCE LIMITED

**Consent of Member – Tenterfield Shire Council**

---

Tenterfield Shire Council ('TSC') consents to being a member of the proposed company limited by guarantee, Southern Qld Inland & NSW Border Regional Water Alliance Limited ('the Company').

Subject to the final terms of the Company's Constitution being approved by TSC, TSC consents to the incorporation of the Company with the Australian Securities and Investments Commission.

Signed for and on behalf of Tenterfield Shire Council by its authorised representative:

Signature: .....

Full Name: .....

Date: .....

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lawyers

**ADVICE**

**COMPANY LIMITED BY GUARANTEE**

**SOUTHERN QLD INLAND & NSW BORDER REGIONAL**  
**WATER ALLIANCE**

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# murdoch

lawyers

**What is a company limited by guarantee ('CLG')?**

A company limited by guarantee is a type of public company but unlike other public companies and unlike a private trading company, it does not have shareholders or share capital. Instead, each member agrees to contribute a certain amount in the event that the company is wound up. The amount of the guarantee is specified in the Constitution of the company and may be any amount (often a nominal sum such as \$10).

Companies limited by guarantee are seen by government as the vehicle best suited for not-for-profit entities that are seeking government funding, particularly federal funding.

**Differences between proprietary companies limited by shares ('PLC's) and CLG's**

The following table summarises the differences between proprietary companies limited by shares (PLC) and companies limited by guarantee (CLG):

| <u>Attributes / Functions</u> | <u>Proprietary Limited Company (PLC)</u>                                               | <u>Company Limited by Guarantee (CLG)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ownership                     | Has shareholders.<br>Minimum of 1 shareholder<br>Maximum of 50 shareholders            | Has members not shareholders.<br>Minimum of 1 member<br>No maximum number of members.                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Governance                    | Minimum of 1 director/secretary<br><br>Operated by directors, 'owned' by shareholders. | Minimum of 3 directors two of whom must ordinarily reside in Australia) plus at least 1 secretary.<br><br>Members who hold at least 5% of the issued share capital can direct a company to prepare financial and directors' reports.<br><br>In certain circumstances members can: <ul style="list-style-type: none"> <li>• call and hold meetings themselves, or require that directors call and hold meetings; and</li> <li>• pass ordinary and special resolutions, which may significantly affect the company, its structure and its operations.</li> </ul> |
| Capital                       | Capital can be raised by company issuing shares.                                       | Cannot issue shares.<br>Any capital is raised through other means, such as by bank loan, government grants or fundraising activities.<br>Members can contribute through donations, without receiving shares.                                                                                                                                                                                                                                                                                                                                                   |

| <u>Attributes / Functions</u> | <u>Proprietary Limited Company (PLC)</u>                                                                                                                                                                                                                                                                                                                                                   | <u>Company Limited by Guarantee (CLG)</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Operational Constraints       | None. Can operate throughout Australia                                                                                                                                                                                                                                                                                                                                                     | Same                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Governance                    | The directors are responsible for managing the day to day affairs of the company and will be subject to all the duties and liabilities placed on them by the Corporations Act as well as common law and equitable obligations.                                                                                                                                                             | Exactly the same.<br>The fact that these directors may be operating in a voluntary capacity for what is a not-for-profit entity, does not 'dilute' their obligations.<br>Refer to our Fact Sheet - Director Duties Overview.                                                                                                                                                                                                                                                                                                                |
| Fees & Costs                  | \$506 ASIC registration fee<br>\$273 ASIC annual review fee<br>Costs associated with audited directors' and financial reports.                                                                                                                                                                                                                                                             | \$417 ASIC registration fee<br>\$51 ASIC annual review fee<br>Costs associated with audited directors' and financial reports.                                                                                                                                                                                                                                                                                                                                                                                                               |
| Reporting requirements        | Limited                                                                                                                                                                                                                                                                                                                                                                                    | Onerous ASIC reporting and compliance requirements if annual revenue is more than \$250,000.<br><br>If annual revenue is between \$250,000 and \$1 million and no DGR status, or annual revenue less than \$1 million and DGR status, then must prepare a financial report and have it reviewed (but not audited). Must also prepare a director's report.<br><br>If annual revenue is over \$1 million, whether DGR or not, then must have accounts fully audited by a qualified company auditor and must also prepare a director's report. |
| Winding Up                    | In the event of insolvency, the liability of each shareholder is limited by reference to the value of his/her shareholding (therefore no personal liability).<br><br>Constitution usually provides that the shareholders can receive dividends and share in the net assets on the winding up of the company in proportion to his/her shareholding and the rights attached to their shares. | In the event of insolvency, the liability of each member is limited to the amount of the guarantee stipulated in the Constitution (eg \$10).<br><br>Constitution usually provides that the members do not receive dividends or share in the net assets on winding up of the company. *<br><i>* Note – This results in companies limited by guarantee as being seen by government as the vehicle best suited for the not-for-profit sector and accordingly are more likely to attract government funding, particularly federal funding.</i>  |

**Why would a CLG be suitable for formalising the Water Alliance?**

Incorporation as a company limited by guarantee will be suitable for formalising the Water Alliance for the following reasons:

1. The company will be considered a separate legal entity distinct from its local authority members. This separate legal status offers the following benefits:
  - (a) The company will have the capacity to enter into and enforce contracts, including the power to hold, acquire and deal with property, in the name of the company. Importantly this includes the capacity to apply for government grants or other funding.
  - (b) It allows for perpetual succession (that is, the company will continue regardless of changes to membership).
  - (c) The liability of members is limited to a fixed amount, being the sum of the guarantee (eg 10). The guarantee will only be called upon in the event of winding up. A past member who ceased to be a member more than a year before the commencement of the winding up proceedings need not contribute. In most cases, a past member who was a member within a year prior to the commencement of the winding up proceedings will not need to contribute towards the debts and liabilities of a company incurred after they ceased to be a member.
  - (d) The company has the capacity to sue and be sued.
2. All the benefits of corporate status.
3. Where the activities of an organisation are carried on in more than one jurisdiction, by registering with ASIC as a company limited by guarantee, an association can avoid the requirement of registering in the various relevant Australian States and Territories.
4. The restrictions in the Constitution mean that the members cannot receive dividends nor share in the net assets when the company is wound up.

**Potential disadvantages of formalising the Water Alliance via incorporating a CLG**

The primary disadvantage arising out of formalising the Water Alliance via incorporating a company limited by guarantee is that the company cannot be set up without first obtaining the approval of the Treasurer under section 60A part 7 of the Statutory Bodies Financial Arrangements Act 1982 (Qld) and presumably the equivalent legislation in NSW.

Other potential disadvantages include:

1. As compared to a company limited by shares, a company limited by guarantee cannot issue shares and any capital has to be raised through other means, such as by bank loan, government grants or fundraising activities. Although members can contribute through donations, without receiving shares in exchange.
2. Inflexibility of the guarantee, including the inability of members to increase or decrease the guarantee if the company's capital needs change.
3. The need for compliance with the Corporations Act. It is subject to all the disclosure requirements that apply to public companies under the Corporations Act (in a similar manner as to the regulations applicable to profit making companies).

4. Its directors and officers will be subject to all the duties and liabilities placed on directors by the Corporations Act as well as the common law and equitable obligations imposed by the general law (the fact that they are acting in a voluntary capacity makes no difference). Note that liability attaches to directors for failure to comply with their duties. For additional (but general) information about this aspect, refer to our Fact Sheet - Director Duties Overview.
  
5. The need in some cases to prepare audited accounts. Companies limited by guarantee are subject to a three tiered differential reporting framework. Some of the obligations vary depending on whether the company is a 'small company limited by guarantee' or a 'company limited by guarantee', as defined in the Corporations Act. A company is a 'small company limited by guarantee' in a particular financial year if:
  - it is a company limited by guarantee for the whole of the financial year
  - it is not a deductible gift recipient at any time during the financial year
  - its revenue (or consolidated revenue if that applies) for the financial year is less than \$250,000.

Under the three tiers:

1. For a 'small company limited by guarantee', unless directed by a member or ASIC, the company does not have to:
  - a. prepare a financial report or have it audited
  - b. prepare a director's report, or
  - c. notify members of annual reports
  
2. If the company has an annual (or consolidated) revenue of less than \$1 million it must prepare a financial report but can elect to have the report reviewed rather than audited. A "review" is less onerous than an audit.
  
3. If the company has an annual (or consolidated) revenue of \$1 million or more it must submit accounts for audit by a registered company auditor, hold annual members' meetings and file an annual return with ASIC.

#### **Steps involved to incorporate a CLG**

The following steps will be required to incorporate a CLG:

1. Drafting of Constitution setting out, among other things, the basis of the company and the objects of the company.
  
2. Preparation and signing of necessary documentation including:
  - (a) Constitution;
  - (b) Director Consents;
  - (c) Secretary Consent/s;
  - (d) Member Consent/s;
  - (e) Consent of Occupier of Registered Office; and
  - (f) ASIC Form 201.
  
3. Lodgement with ASIC of the Constitution and ASIC Form 201 with payment of the ASIC registration fee (currently \$417).



# Think Better!

## Director Duties

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### Overview

There is a division of powers, rights and responsibilities in a company which results in the

- **Board of Directors** – having day to day management powers; and
- **Members** – the shareholders / owners of the company having other powers, responsibilities and remedies.

With management power comes great responsibility, which is why a **Director can be personally liable** for breaching their duties under the Corporations Act, common law or other legislation.

Director duties can, and often do, extend to other officers and senior personnel of a company.

### Director Duties – Corporations Act (Duty)

| Care, skill and diligence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Reference                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <p>A director must exercise powers and discharge duties with the degree of care and diligence that a reasonable person would exercise in the circumstances.</p> <p><b>A director, who makes a business judgment is taken to have complied with their duty if they:</b></p> <ul style="list-style-type: none"> <li>• make a business judgment in good faith and for a proper purpose;</li> <li>• do not have a material personal interest in the subject matter of the judgement;</li> <li>• inform themselves about the subject matter of the judgement (acting reasonably); and</li> <li>• rationally believe the judgement is in the best interests of the company.</li> </ul> | s180 Corporations Act 2001 (Cth) |
| <p><b>Good faith and for a proper purpose</b></p> <p><b>A director must exercise their powers and discharge their duties:</b></p> <ul style="list-style-type: none"> <li>• in good faith in the best interests of the company; and</li> <li>• for a proper purpose.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                   | s181 Corporations Act 2001 (Cth) |
| <p><b>Prevent improper use of position</b></p> <p><b>A director (or employee) must not improperly use their position to:</b></p> <ul style="list-style-type: none"> <li>• gain an advantage for themselves or someone else; or</li> <li>• cause detriment to the company.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                             | s182 Corporations Act 2001 (Cth) |

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Murdochs Experts  
 Director Duties

Director Duties - Corporations Act (cont)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <b>Prevent improper use of information</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                   |
| <p>A director (or employee) who obtains information because they are or have been a director, officer or employee of a company must not improperly use the information to:</p> <ul style="list-style-type: none"> <li>gain an advantage for themselves or someone else; or</li> <li>cause detriment to the company.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | s183 Corporations Act 2001 (Cth)  |
| <b>Good faith, use of position and use of information (criminal offences)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                   |
| <p>A director commits an offence if they are:</p> <ul style="list-style-type: none"> <li>reckless; or</li> <li>intentionally dishonest,</li> <li>and fail to exercise their powers and discharge their duties:                             <ul style="list-style-type: none"> <li>in good faith in the best interests of the company; or</li> <li>for a proper position.</li> </ul> </li> </ul> <p>A director (or employee) commits an offence if they use their position dishonestly:</p> <ul style="list-style-type: none"> <li>with the intention of directly or indirectly gaining an advantage for themselves, or someone else, or causing detriment to the company; or</li> <li>recklessly as to whether the use may result in themselves or someone else directly or indirectly gaining an advantage, or in causing detriment to the company.</li> </ul> <p>A person who obtains information because they are, or have been, a director (or employee) commits an offence if they use the information dishonestly:</p> <ul style="list-style-type: none"> <li>with the intention of directly or indirectly gaining an advantage for themselves, or someone else, or causing detriment to the company; or</li> <li>recklessly as to whether the use may result in themselves or someone else directly or indirectly gaining an advantage, or in causing detriment to the company.</li> </ul> | s184 Corporations Act 2001 (Cth)  |
| <b>Disclose conflicts of interest</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                   |
| A director who has a material personal interest in a matter that relates to the affairs of the company must give the other directors notice of the interest (unless an exemption applies).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | s191 Corporations Act 2001 (Cth)  |
| <b>Prevent insolvent trading</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                   |
| A director has a duty to prevent the company from trading while insolvent.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | s588G Corporations Act 2001 (Cth) |

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 Director Duties

### Director Duties & Responsibilities - WH&S

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| <b>Work Health and Safety (WH&amp;S)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                           |
| <p>While, a person who conducts a business or undertaking has a primary duty of care for the health and safety of its workers, a Director has a duty to exercise due diligence to ensure the business or undertaking complies with its duties and obligations.</p> <p><b>This duty requires a director to take reasonable steps to:</b></p> <ul style="list-style-type: none"> <li>• acquire and maintain up-to-date knowledge of WH&amp;S matters;</li> <li>• understand operations and the hazards and risks associated with those operations;</li> <li>• ensure the organisation has available and uses appropriate resources and processes to eliminate or minimise risks to health and safety;</li> <li>• ensure the organisation has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding timely;</li> <li>• ensure the organisation has and implements processes for complying with any duty or obligation;</li> <li>• verify the provision and use of resources and processes referred to above.</li> </ul> | s27 Work Health and Safety Act 2011 (Qld) |

### Director Duties & Responsibilities

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Other Legislation</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>There are a number of other areas where a director can breach a statute, or be involved in a contravention, including but not limited to those relating to:</p> <ul style="list-style-type: none"> <li>• unlawful discrimination against a person (in the absence of a valid exemption);</li> <li>• human rights;</li> <li>• workplace rights or entitlements;</li> <li>• sexual harassment;</li> <li>• victimisation;</li> <li>• taxation;</li> <li>• superannuation.</li> </ul> |



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Version 1 July 2019

|                      |                                                |
|----------------------|------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>   |
| <b>Submitted by:</b> | Manager Customer Service, Governance & Records |
| <b>Reference:</b>    | <b>ITEM GOV31/21</b>                           |
| <b>Subject:</b>      | <b>OPERATIONAL PLAN 2021/2022</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>        | Maintain strong relationships with all levels of Government and proactively seek involvement in decision making impacting our Shire and the New England Northwest Region. |
| <b>CSP Delivery Program</b> | Provide sound and inclusive decisions using the Community Engagement Strategy to guide our interactions.                                                                  |

#### **SUMMARY**

The purpose of this report is for Council to place on public exhibition the draft Tenterfield Shire Council Operational Plan 2021/2022, from 28 April 2021 to 25 May 2021.

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

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

- (1) Place the draft Tenterfield Shire Council Operational Plan 2021/2022 on public exhibition on Council's website for 28 days for community review and comment, and**
- (2) That a further report be brought back to Council for adoption of the Tenterfield Shire Operational Plan 2021/2022.**

#### **BACKGROUND**

In accordance with the Local Government Act 1993, Council must prepare a number of plans that detail how Council intends to deliver services and infrastructure in the short and long term. These plans are to be based on priorities that have been identified through community engagement in the planning process, and established in a Community Strategic Plan.

Council must have a Delivery Program, detailing the principal activities it will undertake to achieve the objectives of the Community Strategic Plan. The Operational Plan identifies the individual actions and activities that will be undertaken in a specific year to achieve the commitments made in the Delivery Program.

#### **REPORT:**

Section 8C of the Local Government Act 1993 provides the following principles for Integrated Planning and Reporting that apply to Councils:

- a) Councils should identify and prioritise key local community needs and aspirations and consider regional priorities.*
- b) Councils should identify strategic goals to meet those needs and aspirations.*



Our Governance No. 31 Cont...

*c) Councils should develop activities, and prioritise actions, to work towards the strategic goals.*

*d) Councils should ensure that the strategic goals and activities to work towards them may be achieved within council resources.*

*e) Councils should regularly review and evaluate progress towards achieving strategic goals.*

*f) Councils should maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals.*

*g) Councils should collaborate with others to maximize achievement of strategic goals.*

*h) Councils should manage risks to the local community or area or to the council effectively and proactively.*

*i) Councils should make appropriate evidence-based adaptations to meet changing needs and circumstances.*

Council's Delivery Program 2017/2021 was extended to allow for development of the Operational Plan 2021/22, following steps taken by the Office of Local Government in 2020 to address COVID 19 restrictions and their impact on the Integrated Planning and Reporting process. Community engagement on the Community Strategic Plan and development of the next Delivery Program will commence following the 2021 local government elections. The draft Operational Plan 2021/2022 details the actions and programs to be undertaken to support the Community Strategic Plan.

Following the end of the public exhibition period of 28 days on 25 May 2021 the final version of the Operational Plan will be provided to Council's Ordinary Meeting on 23 June 2021.

## **COUNCIL IMPLICATIONS:**

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

The draft Operational Plan 2021/2022 will be placed on public exhibition on Council's website for a period of 28 days, for community review and comment. The draft Operational Plan 2021/2022 will then be brought back to Council for final review and adoption.

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

- Local Government Act 1993 – Sections 8A 1(c), 8C, 405.

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

The draft Operational Plan 2021/2021 includes Council's detailed annual budget, along with the Council's Statement of Revenue Policy, which includes the proposed rates, fees and charges for the financial year 2021/2022.

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

Asset management implications in the delivery of the Operational Plan activities will need to be provided for in the budget for 2021/2022 and subsequent years, where identified.

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**5. Workforce (WMS)**

Nil.

**6. Legal and Risk Management**

In accordance with Sections 405(3) and 405(5) of the Local Government Act 1993, Council is required to provide the draft Operational Plan 2021/2022 for public exhibition for a period of at least 28 days, for public review and comments.

Given the ongoing requirements of COVID 19 and physical restrictions of dislocated staff, hard copies of the draft Operational Plan will not be able to be made available or distributed to the public. Advertising of the availability of the plan on Council's website for review and comment by the community will be done through Council's website, mobile application and *Your Local News*.

**7. Performance Measures**

Nil.

**8. Project Management**

Nil.

**Paul Della**

**Acting Chief Corporate Officer**

|                               |                                                                                                                                                                                    |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prepared by staff member:     | Erika Bursford, Manager Customer Service, Governance & Records                                                                                                                     |
| Approved/Reviewed by Manager: | Paul Della, Acting Chief Corporate Officer                                                                                                                                         |
| Department:                   | Office of the Chief Corporate Officer                                                                                                                                              |
| Attachments:                  | <b>1</b> Attachment 8 (Attachment Booklet 5) - Operational Plan 2021/2022 comprising: Draft Operational Plan 2021/2022 & Draft Budget together with Draft Fees & Charges 2021/2022 |

|                      |                                                                                                                        |
|----------------------|------------------------------------------------------------------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>                                                                           |
| <b>Submitted by:</b> | Manager Customer Service, Governance & Records                                                                         |
| <b>Reference:</b>    | <b>ITEM GOV32/21</b>                                                                                                   |
| <b>Subject:</b>      | <b>INVESTIGATION REPORT - ALLEGED BREACHES OF TENTERFIELD SHIRE COUNCIL CODE OF CONDUCT BY COUNCILLOR BRIAN MURRAY</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 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 compliance with regulatory and statutory requirements and that operations are supported by effective corporate management.                                  |

## SUMMARY

The purpose of this report is to present an independent Code of Conduct investigation outcomes and recommendations from O'Connor Marsden & Associates (OCM) to Council related to allegations of breaches of Council's Code of Conduct by Councillor Brian Murray in the course of Council meetings on 24 June 2020 and 2 July 2020, and complaints up to 6 July 2020.

## OFFICER'S RECOMMENDATION:

### That Council:

- (1) Censures Councillor Brian Murray for misconduct under Section 440(G) of the NSW Local Government Act 1993, for five breaches of Tenterfield Shire Council's Code of Conduct.**
- (2) Publicly publishes the findings and determinations of the Code of Conduct investigation report in the minutes of the meeting of 28 April 2021, being:**

**2.1 At the Ordinary Meeting of Tenterfield Shire Council on 24 June 2020, Councillor Brian Murray breached clause 3.6 of the Tenterfield Shire Council Code of Conduct 2018 by harassing Mr [REDACTED] through making offensive and humiliating statements against Mr [REDACTED] and the Angry Bull Mountain Bike Trails Project, such statements being 'it's 'bull', that the Angry Bull Mountain Bike Trails Project is a 'sham' or a 'scam' and by falsely stating that an approach by the Angry Bull Mountain Bike Trails Project had been made, or would be made, to Tenterfield Shire Council for a free block of land within the industrial estate.**

**2.2 At the Extra-Ordinary Meeting of Tenterfield Shire Council on 2 July 2020, Councillor Brian Murray breached clause 3.6 of the Tenterfield Shire Council Code of Conduct 2018 by harassing Mr [REDACTED] through making an offensive and humiliating statement against Mr [REDACTED]**

Our Governance No. 32 Cont...

██████████, such statement being that the Angry Bull Mountain Bike Trails Project was either 'hunky dory' or 'hokey dokey', thereby insinuating that an inappropriate meeting had taken place with Council staff through which a 'deal' had been brokered.

**2.3 That between 24 June 2020 and 6 July 2020, Councillor Brian Murray breached clauses 3.1 and 3.2 of the Tenterfield Shire Council Code of Conduct by making a false complaint of a breach of Council's Code of Conduct by Councillor ██████████ to Council's Chief Executive Officer, Mr Terry Dodds.**

**2.4 That between 24 June 2020 and 6 July 2020, Councillor Brian Murray breached clauses 3.1(b) and 3.1(c) of the Tenterfield Shire Council Code of Conduct by providing confidential information obtained in his position as a Councillor on the Tenterfield Shire Council to Mr ██████████, a member of the public, contrary to clauses 8.9(d), 8.11(d) and 8.11(g) of the Tenterfield Shire Council Code of Conduct.**

**2.5 That on 20 August 2020, Councillor Brian Murray breached clauses 3.1(a), 3.1(c) and 3.2 of the Tenterfield Shire Council Code of Conduct by dishonestly misleading OCM Principal, Mr Stephen Osborne, during an interview concerning a complaint made by Councillor Murray to Tenterfield Shire Council Chief Executive Officer Terry Dodds regarding Councillor ██████████.**

## **BACKGROUND**

In July 2020 Council received three separate complaints alleging that Councillor Brian Murray had made inappropriate, false and defamatory comments in the course of Council meetings held on 24 June 2020 and 2 July 2020 concerning a project being considered by Council and the proponents behind the project. One of the proponents of the project further alleged Councillor Murray had inappropriately shared private commercial information with a member of the public.

A further allegation by a complainant concerned a complaint by Councillor Murray in which Councillor Murray alleged that another Councillor had inappropriately recorded discussions at a confidential session of a Council meeting and provided the recorded information to one of the project proponents.

## **REPORT:**

Council engaged O'Connor Marsden and Associates, from Council's external Code of Conduct Review Panel, on 10 July 2020 to conduct an independent investigation into the complaints and the allegation by Councillor Murray. The scope of the investigation was to:

- review documentation including Council policies and procedures, the Code of Conduct, recorded proceedings of Council meetings, induction and training records;
- interview and obtain evidence from the complainants;
- interview witnesses;
- interview Councillor Murray, and

Our Governance No. 32 Cont...

- prepare a detailed investigation report with the investigation methodology, the relevant facts and evidence, findings in relation to the alleged conduct and possible strategies for resolution/remediation.

From the investigation report findings, five allegations of Councillor Brian Murray breaching the Code of Conduct were sustained. Two allegations of another Councillor breaching the Code of Conduct were not sustained.

The investigation report was provided to the Office of Local Government in January 2021, as required by the Code of Conduct, and prior to the finalisation of the investigation report. The guidance of the Office of Local Government has been included in the final investigation report. The investigation report was also provided to LGNSW for review along with this council report.

The investigation report recommends that:

- Councillor Murray be formally censured for five breaches under Section 440(G) of the Local Government Act 1993;
- Council should name Councillor Murray as the censured councillor in the resolution to censure the councillor (as advised by the Office of Local Government), and
- the findings of this investigation be made public by publishing the findings and determination in the minutes of the Council meeting at which the matter is considered.

## **COUNCIL IMPLICATIONS:**

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

N/A

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

From Council's Code of Meeting Practice, voting at council meetings is determined as follows:

- 11.4 A councillor who is present at a meeting of the council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.*
- 11.5 If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.*
- 11.6 The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than two (2) councillors rise and call for a division.*
- 11.7 When a division on a motion is called, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are recorded in the council's minutes for the meeting.*

Our Governance No. 32 Cont...

11.8 *When a division on a motion is called, any councillor who fails to vote will be recorded as having voted against the motion in accordance with clause 11.5 of this code.*

11.9 *Voting at a meeting, including voting in an election at a meeting, is to be by open means (such as on the voices, by show of hands or by a visible electronic voting system). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.*

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

The engagement of an external Code of Conduct investigator to undertake the investigation incurred an unforecast expense to Council's 2020/2021 legal budget of \$41,280.42 (excluding GST).

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

N/A

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

N/A

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

LG NSW reviewed both this council report and the investigation report, and advised that this council report is in accordance with the "*Tenterfield Shire Council Procedures for the Administration of the Code of Conduct*", the relevant clauses being:

*7.58 A council may by resolution impose one or more of the following sanctions on a respondent:*

*a) ..., or*

*b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or*

*c) ...*

*7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.*

This council report also conforms with sub-section 440G(4) of the LGA which provides that the Council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured. The requirement to specify the "grounds", is pursuant to clause 7.59 of the Code met by disclosing in the resolution, the investigator's findings and determination.

LG NSW also advised that the New South Wales Civil and Administrative Tribunal decision of September 2020 in *Kastanias v Georges River Council [2020] NSWCATAD 213* determined that final investigation reports can be released under the *Government Information (Public Access) Act 2009*, (GIPA Act) subject to the redaction of the name of the complainant irrespective of whether or not the elected council adopts/acts upon the findings of the report.

Our Governance No. 32 Cont...

**7. Performance Measures**

N/A

**8. Project Management**

N/A

**Kylie Smith**  
**Acting Chief Executive**

|                               |                                                                                                      |            |
|-------------------------------|------------------------------------------------------------------------------------------------------|------------|
| Prepared by staff member:     | Erika Bursford; Kylie Smith                                                                          |            |
| Approved/Reviewed by Manager: | Kylie Smith, Acting Chief Executive                                                                  |            |
| Department:                   | Office of the Chief Corporate Officer                                                                |            |
| Attachments:                  | <b>1</b> Confidential Attachment 9<br>(Confidential Attachment Booklet<br>7) - Investigator's Report | 9<br>Pages |

|                      |                                                            |
|----------------------|------------------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Corporate Officer</b>               |
| <b>Submitted by:</b> | Acting Manager Finance & Technology                        |
| <b>Reference:</b>    | <b>ITEM GOV33/21</b>                                       |
| <b>Subject:</b>      | <b>FINANCE &amp; ACCOUNTS - PERIOD ENDED 31 MARCH 2021</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 March 2021.**

#### **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 March 2021.

Cash Book Balances on this date were as follows:-

|                        |                |        |
|------------------------|----------------|--------|
| General (Consolidated) | \$8,187,738.97 | Credit |
| General Trust          | \$ 313,266.50  | Credit |



Our Governance No. 33 Cont...

(b) Summary of Investments

The attachment to this report is a certified schedule of all Council's investments as at 31 March 2021 showing the various invested amounts and applicable interest rates.

**Concealed Water Leakage Concession Policy Update**

For the month of March 2021 no concessions were granted under Council's Concealed Water Leakage Concession Policy.

**603 Certificates**

Number of applications for 603 Certificates as to Rates and Charges. During the sale of a property a 603 Certificate is usually requested to identify if there are any outstanding or payable fees to Council by way of rates, charges or otherwise in respect of a parcel of land. There were 44 applications for 603 Certificates in March 2021. In the calendar year to date, there have been 117 applications compared to 40 applications for the same period last year.

**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.

**Paul Della**  
**Acting Chief Corporate Officer**

## Our Governance No. 33 Cont...

Prepared by staff member: Jessica Wild  
Approved/Reviewed by Manager: Paul Della, Acting Chief Corporate Officer  
Department: Office of the Chief Corporate Officer  
Attachments: **1** Investment Report as at 31 March 2021

**TENTERFIELD SHIRE COUNCIL - SUMMARY OF INVESTMENTS 31 MARCH 2021**

| Financial Institution                   | Issuer Rating | Investment Term | Maturity Date | Interest Rate | Amount                     | Percentage Exposure  |
|-----------------------------------------|---------------|-----------------|---------------|---------------|----------------------------|----------------------|
| NAB                                     | AA-           | 61 Days         | 31/May/21     | 0.10%         | 1,000,000.00               | 13.57%               |
| <b><u>TOTAL NAB INVESTMENTS</u></b>     |               |                 |               |               | <b><u>1,000,000.00</u></b> | <b><u>13.57%</u></b> |
| Commonwealth Bank                       | AA-           | 1 Month         | 29/Apr/21     | 0.22%         | 3,370,000.00               | 45.73%               |
| <b><u>TOTAL CBA INVESTMENTS</u></b>     |               |                 |               |               | <b><u>3,370,000.00</u></b> | <b><u>45.73%</u></b> |
| Westpac                                 | AA-           | 3 Months        | 29/Apr/21     | 0.19%         | 3,000,000.00               | 40.71%               |
| <b><u>TOTAL WESTPAC INVESTMENTS</u></b> |               |                 |               |               | <b><u>3,000,000.00</u></b> | <b><u>40.71%</u></b> |
| <b>INVESTMENTS TOTAL</b>                |               |                 |               |               | <b>7,370,000.00</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.

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

**By:**

\_\_\_\_\_  
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> | Acting Manager Finance & Technology                   |
| <b>Reference:</b>    | <b>ITEM GOV34/21</b>                                  |
| <b>Subject:</b>      | <b>CAPITAL EXPENDITURE REPORT AS AT 31 MARCH 2021</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 March 2021.**

#### **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:**

The carry-forward budgets for capital projects not completed in 2019/20 were presented in the first Quarterly Budget Review. These projects account for the most significant capital expenditure variances at this stage of the financial year, which is to be expected. Council has also been successful in securing a number of new grants this year, and budgets for these have been added in the Quarterly Budget Reviews.

Staff have been reminded to proceed with their capital projects as early as possible in the year, so that the funds can be spent within the financial year as per the operational plan and budget. This will avoid excessive carry forward projects across future financial years.

#### **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

Our Governance No. 34 Cont...

- 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.

**Paul Della**

**Acting Chief Corporate Officer**

|                               |                                                                                                |                   |
|-------------------------------|------------------------------------------------------------------------------------------------|-------------------|
| Prepared by staff member:     | Jessica Wild                                                                                   |                   |
| Approved/Reviewed by Manager: | Paul Della, Acting Chief Corporate Officer                                                     |                   |
| Department:                   | Office of the Chief Corporate Officer                                                          |                   |
| Attachments:                  | <b>1</b> Attachment 10 (Attachment Booklet 6) - Capital Expenditure Report as at 31 March 2021 | <b>3</b><br>Pages |

**(ITEM RC10/21) REPORTS OF COMMITTEES & DELEGATES - AUDIT & RISK COMMITTEE MEETING - 10 MARCH 2021**

---

**REPORT BY:** Erika Bursford

A meeting of the Audit & Risk Committee was held on Wednesday, 10 March 2021. Minutes of the meeting are attached.

**RECOMMENDATION**

**That the report from the Internal Audit Committee meeting of 10 March 2021 be received and noted.**

**ATTACHMENTS**

**1** Minutes of Meeting 5 Pages



**MINUTES OF  
AUDIT & RISK COMMITTEE  
WEDNESDAY, 10 MARCH 2021**

MINUTES OF THE **Audit & Risk Committee** OF TENTERFIELD SHIRE held at the RSL Pavilion and via Zoom on Wednesday 10 March 2021 commencing at 1.00 pm.

**ATTENDANCE**

Mr Peter Sheville – Independent External Member  
(via Zoom)  
Mr Geoff King - Independent External Member  
(Chair) (via Zoom)  
Mayor Peter Petty – Tenterfield Shire Council  
Councillor Don Forbes – Tenterfield Shire Council

**ALSO IN ATTENDANCE**

Mr Paul Della – Acting Chief Corporate Officer  
Ms Jess Wild (Acting Manager Finance & Information  
Technology)  
Ms Erika Bursford – Manager Customer Service,  
Governance & Records (via Zoom)  
Mr Wes Hoffman – Manager HR, Workforce  
Development & Safety  
Mr James Taylor – WHS & Risk Management Co-  
ordinator  
Ms Noelene Hyde – Executive Assistant & Media

*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.*

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This is page 1 of the Minutes of the Audit & Risk Committee held on Wednesday, 10 March 2021

**MINUTES OF AUDIT & RISK COMMITTEE**

**10 MARCH 2021**

**DISCLOSURE OF INTERESTS**

That Committee members now disclose any interests and reasons for declaring such interest in the matters under consideration at this meeting.

| <b>Name</b>       | <b>Item</b>                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Mr Peter Sheville | <ul style="list-style-type: none"> <li>• Partner, BDO Thailand</li> </ul>                                                                                                                                                                                                                                                                                                                                                                 |
| Mr Geoff King     | <ul style="list-style-type: none"> <li>• Independent Chair of City of Gold Coast Audit &amp; Risk Committee</li> <li>• Independent Member of the Central Highlands Regional Council Audit Committee</li> <li>• Independent Chair of the Mt Isa City Council Audit &amp; Risk Management Committee</li> <li>• Member of the Business Information Systems Advisory Committee for the University of Queensland School of Business</li> </ul> |

**APOLOGIES**

**Resolved** that the apologies for Jacob Sauer – Forsyths Accounting, Geoff Allen – Principal Forsyths Accounting, Chris Harper – Director Audit Office NSW, and Kylie Smith – Acting Chief Executive, be received and noted.

(Peter Petty)/Don Forbes)

*Mr Peter Sheville left the meeting, the time being 1.03 pm.*

**CONFIRMATION OF MINUTES**

**Resolved** that the Minutes of the Audit & Risk Committee meeting held on Wednesday, 9 December 2020, as circulated, be confirmed and signed as a true record of the proceeding of the meeting subject to amendment of “Chair” to “Partner” for Mr Peter Sheville (Disclosure of Interests).

(Don Forbes/Peter Petty)

**BUSINESS ARISING FROM THE MINUTES**

**Change of Name of Committee**

In response to a query from Cr Don Forbes regarding the Change of name as per the Office of Local Government requirement, Chair Geoff King advised that currently Guidelines have not been issued. The change of name will be considered when the Audit & Risk Committee Charter is updated.

**ACTION:**

**Erika Bursford** – Review of Audit & Risk Committee Charter to be presented at the June 2021 meeting.

This is page 2 of the Minutes of the Audit & Risk Committee held on Wednesday, 10 March 2021



**MINUTES OF AUDIT & RISK COMMITTEE**

**10 MARCH 2021**

**(ITEM CEO1/21) AUDIT & RISK COMMITTEE ANNUAL PLAN**

**SUMMARY**

The purpose of this report is to present the Audit & Risk Committee Annual Plan to each meeting of the Audit & Risk Committee.

**Resolved** that the Audit & Risk Committee receive and note the Audit & Risk Committee Annual Plan items for March 2021.

(Geoff King/Don Forbes)

**(ITEM CEO2/21) FRAUD, MISCONDUCT AND COMPLIANCE BREACHES - 10 DECEMBER 2020 TO 10 MARCH 2021**

**SUMMARY**

The purpose of this report is to provide details of any Fraud, Misconduct and Compliance breaches identified or allegations made, during the period 10 December 2020 to 10 March 2021.

**Resolved** that the Audit & Risk Committee receive and note the report on Fraud, Misconduct and Compliance for March 2021.

(Peter Petty/Don Forbes)

*Mr Peter Sheville returned to the meeting, the time being 1.11 pm.*

**(ITEM CEO3/21) INTERNAL AUDIT PLAN UPDATE - MARCH 2021**

**SUMMARY**

The purpose of this report is to:

- Present the Internal Audit Plan to the Audit & Risk Committee;
- Advise of progress with Internal Audit activities; and
- Report on the implementation of Internal Audit recommendations.

Discussion took place regarding the difference between Policy and Procedure with respect to the Procurement Policy. Geoff King also highlighted that the existing approved Procurement Policy has elements that are not covered in the new draft Procurement Policy or Procedures, which may need re-examining.

Procedure yet to be developed for the Workplace Surveillance Policy.

**ACTION:**

**Geoff King** – *Matrix of Internal Audit recommendations to be developed.*

**Resolved** that the Audit and Risk Committee receive and note the Internal Audit Plan Update for March 2021.

(Peter Sheville/Don Forbes)

**MINUTES OF AUDIT & RISK COMMITTEE**

**10 MARCH 2021**

**(ITEM CEO4/21) ENTERPRISE RISK MANAGEMENT**

**SUMMARY**

The purpose of this report is to advise the Audit & Risk Committee of the current status of Council's Enterprise Risk Management.

Issues raised:

- Public Tree Management: Development, maintenance including Arborist Services;
- Power Loss at Depot

Geoff King and Peter Sheville expressed concern that these are the issues determined as the highest risk facing Council and suggested that a more mature level of risk management needs to be developed.

It was suggested that Managers need to take responsibility for both of these risks.

**ACTION:**

**Wes Hoffman** – *The next two (2) highest risks to be presented for discussion at the June 2021 meeting.*

**Resolved** that the Audit & Risk Committee receive and note the current status of Council's Enterprise Risk Management.

(Peter Sheville/Geoff King)

**(ITEM CEO5/21) QUARTERLY BUDGET REVIEW AS AT 31 DECEMBER 2020**

**SUMMARY**

The purpose of this report is to provide the Committee with a copy of the Quarterly Budget Review Statement as at 31 December 2020 for information.

As part of the discussion regarding this item, Mayor Peter Petty reported that the Country Mayors' Association of NSW have highlighted the Emergency Services Levy as a huge problem for Local Government throughout the State.

**Resolved** that the Audit & Risk Committee receive and note the report.

(Peter Petty/Don Forbes)

**GENERAL BUSINESS**

**Renovations to Council Administration Office**

Councillor Don Forbes sought a summary of information regarding the cost of the renovations currently being undertaken at the Council Chamber/Administration Office.

**MINUTES OF AUDIT & RISK COMMITTEE**

**10 MARCH 2021**

While not an Audit & Risk Committee matter, Acting Chief Corporate Officer Paul Della advised that all works are within the budget approved by Council and are reported in the Quarterly Budget updated.

Mr Della did however indicate that a summary of the budget in relation to the Council Chamber/Administration Office would be incorporated into the next Monthly Operational Report to Council in response to Councillor Forbes' request. There being no further business the Chair declared the meeting closed at 1.58 pm.

.....  
Geoff King  
Chairperson

**(ITEM RC11/21) REPORTS OF COMMITTEES & DELEGATES - TENTERFIELD SHIRE  
LOCAL TRAFFIC COMMITTEE MEETING - 8 APRIL 2021**

---

**REPORT BY:** Peter Petty, Chairperson

A meeting of the Tenterfield Shire Local Traffic Committee was held on Thursday, 8 April 2021. Minutes of the Meeting are attached.

**RECOMMENDATION**

**That the report of the Tenterfield Shire Local Traffic Committee meeting of Thursday, 8 April 2021 be received and noted.**

**ATTACHMENTS**

**1** Minutes - Tenterfield Shire Local Traffic Committee 7 Pages

MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING  
THURSDAY 8 APRIL 2021



**MINUTES OF  
TENTERFIELD SHIRE LOCAL TRAFFIC  
COMMITTEE MEETING  
THURSDAY, 8 APRIL 2021**

MINUTES OF THE **Tenterfield Shire Local Traffic Committee Meeting** OF TENTERFIELD SHIRE held at the RSL Pavilion on Thursday, 8 April 2021 commencing at 10.00 am.

**ATTENDANCE**

Councillor Peter Petty (Mayor - TSC)  
Councillor Tom Peters (TSC)  
Paul Caldwell (NSW Police)  
Greg Aitken (TfNSW)  
James Parsons (NSW Police)

**ALSO IN ATTENDANCE**

David Counsell (TSC)  
James Paynter (TSC)  
Jess Gibbins (TSC Engineering Officer)  
Kylie Smith (TSC Acting Chief Executive)

**DISCLOSURE OF INTERESTS**

Nil.

**APOLOGIES:**

Glen Lamb (Representative for The Hon. Janelle Saffin)  
Gary Verri (TSC)  
Fiona Keneally (TSC)

**CONFIRMATION OF MINUTES**

Recommendation that the Minutes of the Tenterfield Shire Local Traffic Committee held 11 February 2021, as circulated, be confirmed and signed as a true record of the proceedings of the meeting.

*Moved – Tom Peters. Seconded – Greg Aitken. Carried.*

This is page 1 of the Minutes of the Tenterfield Shire Local Traffic Committee Meeting held on  
Thursday, 8 April 2021

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING  
THURSDAY 8 APRIL 2021**

**BUSINESS ARISING FROM PREVIOUS MINUTES**

**1. DISABLED PARKING. HIGH/ROUSE STREET, TENTERFIELD**

That Council staff finalise detail drawings for the disabled parking as discussed in High Street to be relocated closer to Rouse Street.

**ACTION:** *DC advised the Committee that Council is engaging consultants to draw up plans for the whole CBD and treat as holistic approach to identify parking requirements.*

**2. LOADING ZONE REQUEST, ROUSE STREET/MANNERS STREETS, TENTERFIELD**

Loading zones have previously been reviewed with CBD parking and agreed that the need for additional loading zones in the CBD Main Street can be considered in conjunction with the need for car parking spaces.

**ACTION:**

*DC advised the Committee that Council is engaging consultants to draw up plans for the whole CBD and treat as holistic approach to identify parking requirements.*

**3. REQUEST FOR STREET SIGNS & ROAD MARKINGS IN LISTON**

TfNSW have completed review. 50 km zone cannot be reduced, suggest a "Village Statement".

**ACTION:**

*TSC staff have inspected the streets in Liston. General improvements including drainage, road shoulder improvement and footpaths to the park toilets will be considered. Funding would be required to undertake any works. GA commented that TfNSW can pursue possible funding if required for drainage and footpath improvements through a different funding stream.*

**4. LIGHTING REQUEST IN ROUSE STREET (NEW ENGLAND HIGHWAY)**

Approval of the lighting design remains unresolved which appears to lie between the consultant and energy authority.

**ACTION:**

*Both Council and TfNSW shared frustrations with the hold up of this issue. KS added that a meeting was being held with a representative from Essential Energy on a different topic and that she would ask how this matter could be expedited.*

**5. DISABLED PARKING – FURTHER REQUEST DR MONDALS, AMCAL CHEMIST & MITRE 10 NEAR DR PILGRIMS**

Parking issues in the whole town, disabled parking; loading zones; doctor's surgeries were discussed, as it is a busy area in the town and on the New England Highway.

**ACTION:**

*As per Items 1 & 2 above, Council is engaging consultants to draw up plans for the whole CBD and treat as holistic approach to identify parking requirements.*

---

This is page 2 of the Minutes of the Tenterfield Shire Local Traffic Committee Meeting held on Thursday, 8 April 2021

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING  
THURSDAY 8 APRIL 2021**

**6. MOUNT LINDESAY ROAD/BOUNDARY ROAD/OLD BALLANDEAN ROAD  
INTERSECTION**

DC advised that line marking has been completed at the intersection including hold lines & centerlines. An excavator has been on site and survey has been undertaken. Parks & Garden have cut long grass and work staff have undertaken additional earthworks clearing to maximise sight around the intersection. Additional signage had been installed. Final review to be undertaken. Grant through Safer Roads Program – Heavy Vehicle/Round-About with Traffic Calming is still awaiting determination. PP commended staff on the improvements that had been achieved so far.

**ACTION:**

*In progress.*

**7. DRAKE PEDESTRIAN REFUGE, BRUXNER HIGHWAY**

Considered in conjunction with item 8 below;

**8. BUS BAY, BRUXNER HIGHWAY DRAKE**

On-site meeting held between TSC and TfNSW (Greg Aitken) March 2021. A concept for the main area incorporating the bus bay and park is being prepared by TSC to assist with funding application by TfNSW, in line with the Updated Village Concept Plan.

**ACTION:**

*TSC to provide basic concept plan to TfNSW to initiated funding application. Community meeting to follow to discuss concept.*

**9. NEW ENGLAND HIGHWAY/MARTIN STREET INTERSECTION**

Council has written back to resident explaining that Council are investigating solutions.

**ACTION:**

*TSC still needs to meet with the landowner on site to discuss solutions.*

**10. CYCLING CLUB FORMATION**

Council met with the group members, Police & Council on 19<sup>th</sup> November 2020. Proposed 12 routes sent to external "Auditor" for safety report. TSC have requested the Club to provide additional information i.e. start and finish locations and mapping. JG commented that Council is unable to pursue any further until detailed route information is received.

**ACTION:**

*Ongoing.*

**11. LEGUME – REVIEW SPEED ZONE**

Suggestion to increase the 50km speed zone from just "south of the bush-land" to 60km. TfNSW advised that it is difficult to increase speed zones, as you need to be aware of and cautious of community support. TfNSW suggested the use of 50km ahead sign with additional repeater signs. TSC attempted to provide video to TfNSW however the file size has exceeded mail limits so will send photos through instead. GA advised that there are new speed zoning requirements & once published, may be able to revisit this.

**ACTION:**

*TSC to send photos to TfNSW.*

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This is page 3 of the Minutes of the Tenterfield Shire Local Traffic Committee Meeting held on Thursday, 8 April 2021



**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING  
THURSDAY 8 APRIL 2021**

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**12. ROUSE ST GARDEN BEDS**

Request received that the garden bed edging be rounded off in Rouse St due to potential damage to tyres. Advice provided by Parks & Gardens was that it was not practical to alter existing bed edging.

**ACTION:**

*TSC staff will monitor.*

**13. SILICA QUARRY/DEVELOPMENT**

Minor asphalt patching has been undertaken by TSC. Shoulder stripping of grass and vegetation, reshaping of table drains and reinstatement of shoulder material to be scheduled in future works program. TSC to program other major rehabilitation (heavy patching work) of failed areas over the next couple of financial years. DC commented that initial patching works has been carried out for safety and will develop a plan for long term works including shoulder widening. PP also made the comment that it is difficult to secure funding.

**ACTION:**

*Ongoing – with consideration in forward year TSC budgets.*

**14. EVENT REQUEST – ANZAC DAY MARCH, TENTERFIELD– 25 APRIL 2021**

JG advised that a Traffic Management Plan & Traffic Control Plan had been completed for the road closure of Rouse Street/High Street for the ANZAC Day March and Dawn Service. Accredited TSC staff volunteers to undertake the traffic control. TSC trucks to be used as hostile vehicle mitigation. The Road Occupancy Licence has been applied for and Police Approval as been received.

**ACTION:**

*Approval to be issued by TSC once the ROL has been received.*

**15. EVENT REQUEST – ANZAC DAY MARCH, URBENVILLE – 25 APRIL 2021**

JG advised the Committee that this event has been cancelled.

*No Further Action.*

**16. EVENT REQUEST – TRUE GRIT TENTERFIELD GRAVEL RIDE**

The Saddlers Mountain Bike Club Tenterfield Inc. event (partly funded through TSC) plan on using Kildare Road as a main route. No plans to close Kildare Road. TSC prefer to have drink stations and first aid officers 5m off the road to ensure the safety of volunteers TSC and NSW Police to liaise with the event representatives to further discuss recommendations prior to event. Normal "event" process should occur in line with NSW Police and Covid 19 requirements met.

**ACTION:**

*JG advised that the new date proposed is 21 August 2021. Council is assessing the application and awaiting Traffic Management Plans to be submitted by event organisers.*

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This is page 4 of the Minutes of the Tenterfield Shire Local Traffic Committee Meeting held on Thursday, 8 April 2021



**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING  
THURSDAY 8 APRIL 2021**

*PC added that as the event is a timed event, there is a different process to adhere to for gaining Police approval. Three months should be sufficient time.*

*Traffic Management Plans need to be submitted as soon as possible as they may need amending depending on whether speed reduction is required and/or police escort on high traffic volume roads (eg. Bruxner Way). PP commended Council staff for recent grant applications which was successful in securing funding from Barnaby Joyce, MP for sealing of Kildare Road tourist route.*

**17. AUSTRALIAN MOTORCYCLIST ASSOCIATION LTD MOTORBIKE  
ENDURANCE RIDE - 1590 UPPER ROCKY RIVER ROAD, ROCKY RIVER 5-8  
MARCH 2021**

This event was approved under Development Application and held accordingly. The event was interrupted due to an incident involving a participant.

Discussion was held regarding the different types of Departments that give approvals & Licences to Motorcyclist groups. PC advised that normally if events are held under Department of Sport & Recreation then Police are notified of incidents.

**ACTION:**

*Clarify with Council's Planning Department the Licence approvals for such events.*

**GENERAL BUSINESS:**

**1. TENTERFIELD HIGH SCHOOL – CROSS COUNTRY EVENT WEDNESDAY 31<sup>ST</sup>  
MARCH 2021**

JG advised the Committee that the event was held successfully with no reported incidents. JG commended the Police for issuing the approval at such short notice. Council staff erected the signs accordingly.

**ACTION:**

*No further action.*

**2. ST JOSEPH'S PRIMARY SCHOOL – CROSS COUNTRY EVENT 23<sup>RD</sup> APRIL  
(PRACTICE) AND 30<sup>TH</sup> APRIL 2021**

JG advised the Committee that Police approval has been sought. Council staff will erect signs accordingly but the event is mainly conducted within the park areas. High visibility vests will be provided to the school staff if required.

**ACTION:**

*No further action*

**3. HERDING YARD CREEK BRIDGE**

Correspondence received from Liston & Area Progress Association – visibility issues at Herding Yard Creek Bridge approaches on Amosfield Road. JP advised Committee that due to recent flood events staff haven't been able to clear some of the suckers & vegetation. DC also commented that as the land adjacent to the bridge is Crown Land, there are potential implications due to Native Title etc. It has been surveyed. The design is being

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This is page 5 of the Minutes of the Tenterfield Shire Local Traffic Committee Meeting held on Thursday, 8 April 2021

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING  
THURSDAY 8 APRIL 2021**

done and now need to apply to Fisheries for widening of the bridge. An application for funding will also be required.

**ACTION:**

*Ongoing – TSC seeking funds to widen culvert.*

**4. INTERSECTION OF MOUNT LINDESAY ROAD AND LISTON ROAD**

Correspondence received from Liston & Area Progress Association – visibility at Mount Lindesay Road and Liston Road intersection. DC commented that it would be ideal to square up the intersection, need to rationalise it & look at moving it closer north. A proper concept & design is required as well as funding. PP added that there is an increase in traffic due to increase in horticulture in the area.

**ACTION:**

*Ongoing – TSC reviewing intersection design options.*

**5. CULLENDORE ROAD (Maryland Creek Bridge approaches)**

A comment received from a concerned motorist regarding the sight to on-coming vehicles approaching the bridge. Initial investigations has revealed that clearing of vegetation and any earthworks to improve sight distance cannot be readily undertaken due to Road Reserve and land ownership issues. DC tabled photos of this bridge and advised that the road is offline and traverses Crown Land, the process could take years to acquire the road reserve. DC suggested that signage could be installed as an interim measure. GA suggested a diagrammatic A size sign (truck & car).

**ACTION:**

*Council to liaise with TfNSW to install warning signs in line with Australian Standards on the bridge approaches to the Maryland Creek Bridge to advise motorists of the narrow bridge.*

**6. RILEY STREET LOAD LIMIT**

A comment received from a concerned resident regarding non-compliant vehicles using the section of Riley Street between Melaleuca Circuit and Pelham Street.

Discussion was held around this issue. Matter was raised at a previous meeting. DC commented there are various issues including noise, oversize vehicles travelling to the Industrial Estate and vehicles using this route as a shortcut. PP added that all blocks have been sold in the Industrial Estate therefore there will be increased usage & development. A request was also received by Council to move the traffic blister in Riley Street. The purpose of this blister is to slow vehicles down and it is unsuitable to relocate.

**ACTION:**

*Council to install traffic counters and the signage indicating the 3T load limit be relocated closer to Pelham Street to be more visible prior to entering Riley Street. Police to monitor vehicles oversize using Riley Street without a Permit. Council staff to investigate traffic strategies in the Pelham Street area between Riley Street and the Hospital.*

**MINUTES OF THE TENTERFIELD SHIRE LOCAL TRAFFIC COMMITTEE MEETING  
THURSDAY 8 APRIL 2021**

---

**BUSINESS WITHOUT NOTICE**

**1. SCHIFFMANS HILL APPEARANCE – NEW ENGLAND HIGHWAY**

PP mentioned that the southern approach, known as "Schiffmans Hill" needs tidying up along the New England Highway in an attempt to beautify the entrances to Tenterfield. GA commented that as a starting point, need to raise with the Parks & Gardens Team to develop a plan. This can then be provided to the LTC to consider & TfNSW. PP thanked GA for his time and commitment on the LTC thus far.

**ACTION:**

*Council to approach the Parks & Gardens Committee regarding providing a design for beautifying the southern approach to Tenterfield for the LTC to consider.*

**NEXT MEETING**

Next meeting to be held at 10am (NSW time) Thursday 10<sup>th</sup> June 2021

There being no further business the Chairperson declared the meeting closed at 11.25 am.

.....  
Mayor Peter Petty  
Counsellor/Chairperson

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**(ITEM RC12/21) REPORTS OF COMMITTEES & DELEGATES - MURRAY DARLING ASSOCIATION INC**

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**REPORT BY:** Greg Sauer

A meeting of the Murray Darling Association (Region 11) was held on Friday, 12 February 2021. Minutes of the meeting are attached.

In addition, the following item is attached for information:

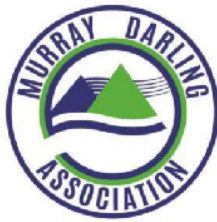
- Delegates Report – March 2021

**RECOMMENDATION**

**That Council receive and note the minutes for February 2021 and Delegates Report for the Murray Darling Association Inc for March 2021.**

**ATTACHMENTS**

- |          |                                                                       |         |
|----------|-----------------------------------------------------------------------|---------|
| <b>1</b> | Murray Darling Association - Ordinary Meeting Minutes - February 2021 | 3 Pages |
| <b>2</b> | Murray Darling Association - Delegates Report March 2021              | 3 Pages |



## Murray Darling Association Inc.

### Ordinary Meeting of the Board

Friday 12 February 2021, 1:00pm

Location: Inverell Shire Council  
144 Otho Street INVERELL

admin@mda.asn.au  
www.mda.asn.au  
T (03) 5480 3805  
ABN: 64 636 490 493  
250 Anstruther Street  
P.O. Box 1268  
Echuca, Vic 3564

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## REGION 11 –GENERAL MEETING MINUTES

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### 1. WELCOME

#### 1.1 Present

|                           |                                                    |
|---------------------------|----------------------------------------------------|
| Cr John Campbell          | Gunnedah Shire Council                             |
| Mayor Jamie Chaffey       | Gunnedah Shire Council                             |
| Cr Frances Young          | Gwydir Shire Council                               |
| Cr Andrew Gale            | Southern Downs Regional Council                    |
| Cr Greg Sauer             | Tenterfield Shire Council                          |
| Matthew Magin             | Balonne Shire council                              |
| Mayor Peter Petty         | Tenterfield Shire Council                          |
| Mayor Lawrence Springborg | Goondiwindi Regional Council                       |
| Cr Rob McKenzie           | GRC (observer)                                     |
| Cr Kate Dight             | Inverell Shire Council (observer)                  |
| Jane Humphries            | Commonwealth Environmental Water Office (observer) |
| Annabelle Guest           | Murray-Darling Basin Authority (observer)          |
| Emma Bradbury             | Murray Darling Association                         |

#### 1.2 Apologies

|                    |                                |
|--------------------|--------------------------------|
| Mayor Paul McVeigh | Western Downs Regional Council |
| Andrew Johns       | Gunnedah Shire Council         |
| Cr John Coulton    | Gwydir Shire Council           |
| Cr Dough Hawkins   | Liverpool Plains Shire Council |

**MOTION: That the apologies are accepted and noted.**  
G Sauer / F Young

**CARRIED**

Cr Kate Dight from Inverell Shire Council provided a welcome and acknowledgement of country.

### 2. MINUTES

#### 2.1 Confirmation of minutes

Previous meeting – 13 November 2020

CEO's Note: Minutes were not confirmed.

### 3. REPORTS

#### 3.1 CEO's report

CEO provided a report, based on the delegates report which has been circulated for tabling at council which included:

- National Conference – registration website has been launched and commended the staff for their great work. The conference will be an exciting event based on the connectivity of flows,

page 1 of 3

and connectivity of water to environment, community, economy and sustainability. A study tour to Menindee Lakes will also be provided to increase awareness of the current issues. All members were encouraged to register.

- Delegates report – The monthly delegates report provides a snapshot of key announcements, board meeting highlights and region meeting minutes, which is all important information for delegates and member councils. The report also included the board’s resolution to maintain membership fees at the same price as last year for the four categories of membership. The proposed name change may change these categories.
- Succession planning – Delegates were informed that CEO has notified the board that she will be finishing up in her role as CEO following the MDA 77<sup>th</sup> National Conference.

### **3.2 MDA Board Meeting**

A summary of the previous board meeting was requested and provided by the CEO, which included discussion of floodplain harvesting submission and consultation on NSW water reform, with the board resolving to write to the NSW government on this issue.

The Basin Communities Leadership Program workshops for northern communities will be held in March / April 2021, with the session in Collarenebri occurring on 8 and 9 of April 2021.

## **4. GENERAL BUSINESS**

### **4.1 Regional Boundary Review - Engagement with local government regional peaks and RDs**

There has not been any further feedback from Region 11 regarding the Regional Boundary Review since the previous meeting.

The CEO emphasised that the regional boundary review is an opportunity for the MDA to better align and partner with regional organisations like BROCC, to increase opportunities for councils to participate in MDA meetings.

The committee agreed that the alignment with JO’s and ROC’s seemed logical and a more efficient sharing of resources.

**MOTION: That the Murray Darling Association consider in the current regional boundary review that distribution should align with joint organisations and regional organisation of councils through the states that make up the Basin.**

J Chaffey / F Young

**CARRIED**

### **4.2 MDA Regional Water Security Position Statements**

Members discussed the development of regional water security position statements across the regions including the relationship with JOs/BROCCS to ensure that work is not duplicated or done in silos, as well as the importance of an inclusive consultation process.

### **4.3 Proposed MDA Name Change Consultation**

The CEO provided an update on the proposed MDA name change consultation that was a resolution from the 2019 National Conference. The board will consider all feedback received prior to progressing the matter further.

## **5. NATIONAL CONFERENCE**

### **5.1 2020 Date and location confirmed -Wentworth 17-19 May 2021**

No discussion.

### **5.2 Motions to National Conference**

Delegates discussed potential motions to put forward for this year’s conference.

**MOTION: That Region 11 endorse the proposed MDA name-change.**

G Sauer / F Young

**CARRIED**

page 2 of 3



**ACTION: Motion to be prepared by head office.**

The CEO reiterated that motions are a really important opportunity for regional issues to be elevated.

Clarification was sought on the closing date for motions and whether there would be an opportunity to have another region meeting before motions needed to be submitted. The Chair advised that submissions for motions close 12 of April 2021, and that it would be unlikely that another meeting would be held before then.

**5.3 Annual Report – R11 contribution**

No discussion.

**5.4 Speakers and Sponsors**

No discussion.

**5.5 National Conference bid 2022**

The CEO noted the national conference bid by Region 11, and Gunnedah Shire Council. Balonne Shire Council CEO advised he will organise a letter of support from Balonne Shire Council.

**6. PRESENTATION**

**6.1 Annabelle Guest – MDBA Update**

**6.2 Jane Humphries – Local Engagement Officer, Department of Agriculture, Water and Environment**

**7. NOTICE OF MOTIONS / QUESTIONS ON NOTICE**

Nil.

**8. MEETING CLOSE**

The Chair declared the meeting closed at 2:40pm.

## MDA Delegate's Report for tabling at council March 2021



The Murray Darling Association (MDA) is Australia's peak body representing local government across the Murray-Darling Basin. The following delegate's report provides a detailed report for tabling at council, including a summary of MDA Board Meeting 406, CEO's report, region meetings and the latest edition of the Basin Bulletin.



**Registrations for 2021 National Conference now open!**

Themed **Connectivity: Connecting Councils and Catchments**, the **MDA's 2021 National Conference & AGM** will be held on 16 - 19 May 2021 in Wentworth. This unmissable hybrid event is an opportunity to tackle the big issues of the Basin and forge a future of connected councils and catchments.

This year's conference includes a unique **study tour** to the **Menindee lakes** on **Monday 17 May**. The Menindee lakes are an integral point of the system linking the Barwon Darling, Northern Basin and Southern Connected Basin.

Join us at the MDA's 77th National Conference as we tour this complex part of the system to better understand its role in achieving connectivity and sustainability for Basin communities and systems.

**REGISTER TODAY:** [www.mda.asn.au](http://www.mda.asn.au)

### 1. MDA Board Meeting 406

The Murray Darling Association held its Ordinary Meeting of the Board Meeting 406 on Monday 22 February 2021. The minutes are now available [here](#).

#### Key motions include:

##### Motion 6.1 Strategic and Operational Priorities

MOTION: That the board:

- a) Note the following strategic priorities and operational objectives for 2021:
  - i. Align strategy and objectives
  - ii. Work with LGA/ROC/Jos to develop consistent assessments, case studies and experience to inform MDA regional and national positions of advocacy
  - iii. The MDA support the LGA/ROC/JOs by raising the profile of local government and the peaks with the Commonwealth and supporting advocacy to the Commonwealth.
  - iv. Create regional efficiencies and Basin-scale projects, capability, and positions.
- b) Refer this item to the next meeting of the Strategic Advisory Group for awareness and noting.

P Miller / B Lockyer

CARRIED



#### **Motion 6.2 Board Meeting Schedule 2021**

The Board has resolved to trial a new meeting schedule with the Board to alternate monthly meetings between a Committee of Regional Chairs meeting and a Board meeting commencing in March. Refer to item 6.2 of the February 2021 Board minutes for further information.

#### **2. CEO's Report**

*With over 167 councils in the MDB, the ongoing partnership between councils and the Murray Darling Association elevates local and regional issues and priorities to the state and federal level providing national recognition and informing policy.*

*Membership to the MDA delivers social, economic, and environmental benefits to each community by creating partnerships, participating in events, and accessing networks and services that align with and support all Community plans, in the areas of community, environment, economy and council.*

*The Murray Darling Association has been successful in shifting policies to better reflect the needs of Basin communities, and we are continuing to grow our reach and impact as portrayed in our [Vision 2025 Strategic Plan](#).*

*The relationship between the MDA and our member Councils contributes strongly to the development of the local government sector as a whole and our collective role in ensuring a vibrant, sustainable future for the Murray-Darling Basin.*

*We enjoy and look forward to continuing our work with member and interested councils into the future.*

#### **3. Region Meetings**

Region meetings are an important platform for Basin communities to collaborate and work together within and across their regions. The following is a list of recent and upcoming region meetings:

| <b>Region</b> | <b>Meeting Type</b> | <b>Date</b>      | <b>Minutes</b>                 |
|---------------|---------------------|------------------|--------------------------------|
| Region 1      | Ordinary Meeting    | 4 February 2021  | <a href="#">Available here</a> |
| Region 6      | Ordinary Meeting    | 5 February 2021  | <b>Available soon</b>          |
| Region 11     | Ordinary Meeting    | 12 February 2021 | <b>Available soon</b>          |
| Region 9      | Ordinary Meeting    | 17 February 2021 | <b>Available soon</b>          |
| Region 2      | Ordinary Meeting    | 18 February 2021 | <b>Available soon</b>          |
| Region 7      | Ordinary Meeting    | 18 February 2021 | <a href="#">Available soon</a> |
| Region 4      | Ordinary Meeting    | 2 March 2021     | <b>Available soon</b>          |
| Region 1      | Ordinary Meeting    | 12 March 2021    | <b>Available soon</b>          |

#### **4. Basin Bulletin Issue 43 – February 2021 Newsletter**

Basin Bulletin Issue 43 can be accessed [here](#). To receive the next edition of the Basin Bulletin, please register on the MDA website ([www.mda.asn.au](http://www.mda.asn.au)) or [email](#) MDA Comms and Engagement Officer Jess to request to be added to the distribution list.

|                      |                                                 |
|----------------------|-------------------------------------------------|
| <b>Department:</b>   | <b>Office of the Chief Executive</b>            |
| <b>Submitted by:</b> | Administration & Web Assistant                  |
| <b>Reference:</b>    | <b>ITEM RES3/21</b>                             |
| <b>Subject:</b>      | <b>COUNCIL RESOLUTION REGISTER - APRIL 2021</b> |

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**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.        |

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**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 April 2021.**

**Kylie Smith**  
Acting Chief Executive

|                               |                                                                                |          |
|-------------------------------|--------------------------------------------------------------------------------|----------|
| Prepared by staff member:     | Christie Fitzpatrick                                                           |          |
| Approved/Reviewed by Manager: | Kylie Smith, Acting Chief Executive                                            |          |
| Department:                   | Office of the Chief Executive                                                  |          |
| Attachments:                  | <b>1</b> Attachment 11 (Attachment Booklet 6) - Resolution Register April 2021 | 40 Pages |